

FEDERAL REGISTER

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Agencies in this issue—

Consumer and Marketing Service
Engineers Corps
Federal Aviation Administration
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Hazardous Materials Regulations
Board
Internal Revenue Service
Interstate Commerce Commission
Labor Department
Land Management Bureau
Maritime Administration
Post Office Department
Securities and Exchange Commission
Small Business Administration
Wage and Hour Division

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[Revised as of January 1, 1968]

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1968, and specifies how they are affected.

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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 157]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.457 Navel Orange Regulation 157.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforementioned recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel

oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 19, 1968.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 22, 1968, through November 28, 1968, are hereby fixed as follows:

(i) District 1: 600,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 100,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 20, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 68-14094; Filed, Nov. 20, 1968;
11:28 a.m.]

with maturities of not more than 9 months evidencing loans made by the Corporation pursuant to a commodity loan program.

(b) [Revoked]

2a. The purpose of this amendment is to implement Public Law 90-505, September 21, 1968, which made eligible as collateral for advances to member banks under the eighth paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 347) "such obligations as are eligible for purchase under section 14(b) of this Act."

b. The provisions of section 553 of Title 5, United States Code, relating to notice and public procedure and to deferred effective date with respect to changes in substantive rules were not followed in connection with this amendment because the Board found that such actions would result in delays that would have consequences contrary to the national interest.

Dated at Washington, D.C., this 13th day of November 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-13992; Filed, Nov. 20, 1968;
8:47 a.m.]

[Reg. A]

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Obligations Eligible as Collateral for Advances

§ 201.103 Obligations eligible as collateral for advances.

(a) Section 3(a) of Public Law 90-505, approved September 21, 1968, amended the eighth paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 347) to authorize advances thereunder to member banks "secured by such obligations as are eligible for purchase under section 14(b) of this Act." The relevant part of such paragraph had previously referred only to "notes * * * eligible * * * for purchase", which the Board had construed as not including obligations generally regarded as securities. (See 1962 Federal Reserve Bulletin 690, § 201.103 (d).)

(b) Under section 14(b) direct obligations of, and obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are eligible for purchase by Reserve Banks. Following are the principal agency obligations now eligible as collateral for advances:

- (1) Federal Intermediate Credit Bank debentures;
- (2) Federal Home Loan Bank notes and bonds;
- (3) Federal Land Bank bonds;
- (4) Bank for Cooperative debentures;

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A]

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Introduction and Advances to Member Banks

1. Effective immediately §§ 201.1 and 201.2(a) are hereby amended to read as shown below. Paragraph (b) of § 201.2 is revoked.

§ 201.1 Introduction.

This part is issued under section 13 and other provisions of the Federal Reserve Act and relates to extensions of credit by Federal Reserve Banks.

§ 201.2 Advances to member banks.

(a) *Advances on obligations or eligible paper.* Reserve Banks may make advances to member banks for not more than 90 days if secured by (1) obligations or other paper eligible under the Federal Reserve Act for discount or purchase by Reserve Banks or (2) certificates of interest issued by the Commodity Credit Corporation in a pool of notes

(5) Federal National Mortgage Association notes, debentures and guaranteed certificates of participation;

(6) Obligations of or fully guaranteed by the Government National Mortgage Association;

(7) Merchant Marine bonds;

(8) Export-Import Bank notes and guaranteed participation certificates;

(9) Farmers Home Administration insured notes;

(10) Notes fully guaranteed as to principal and interest by the Small Business Administration;

(11) Federal Housing Administration debentures;

(12) District of Columbia Armory Board bonds;

(13) Tennessee Valley Authority bonds and notes;

(14) Bonds and notes of local urban renewal or public housing agencies fully supported as to principal and interest by the full faith and credit of the United States pursuant to section 302 of the Housing Act of 1961 (42 U.S.C. 1421a(c), 1452(c)).

(c) Nothing less than a full guarantee of principal and interest by a Federal agency will make an obligation eligible. For example, mortgage loans insured by the Federal Housing Administration are not eligible since the insurance contract is not equivalent to an unconditional guarantee and does not fully cover interest payable on the loan. Obligations of international institutions, such as the Inter-American Development Bank and the International Bank for Reconstruction and Development, are also not eligible, since such institutions are not agencies of the United States.

(d) Also eligible for purchase under section 14(b) are "bills, notes, revenue bonds, and warrants with a maturity from date of purchase of not exceeding 6 months, issued in anticipation of the collection of taxes or in anticipation of the receipt of assured revenues by any State, county, district, political subdivision, or municipality in the continental United States, including irrigation, drainage and reclamation districts". To the extent such obligations would be eligible for purchase under Part 205 of this chapter (Reg. E), they are now eligible as collateral for advances to member banks. Such obligations should by their terms mature within 6 months after the date of the advance and be payable out of specific tax or similar types of revenue and should be otherwise eligible for purchase under Part 205 of this chapter.

(e) The following interpretations are hereby revoked: Interpretations¹ ¶ 925, 1916 Federal Reserve Bulletin 609 (county warrants ineligible); Interpretations ¶ 930, 1918 Bulletin 33 (Federal Land Bank bonds ineligible); Interpretations ¶ 950, 1960 Bulletin 151, § 201.101 (Merchant Marine bonds ineligible); Interpretations ¶ 955, 1960 Bulletin 858, § 201.102 (mortgage notes guaranteed under military housing program in Title

VIII of National Housing Act ineligible); Interpretations ¶ 956, 1962 Bulletin 690, § 201.103 (Farmers Home Administration insured notes eligible); Interpretations ¶ 960, 1966 Bulletin 188, § 201.105 (Export-Import Bank guaranteed participation certificates eligible); Interpretations ¶ 961, 1966 Bulletin 340; § 201.106 (Small Business Administration fully guaranteed notes eligible).

(Interprets and applies 12 U.S.C. 347)

Dated at Washington, D.C., this 13th day of November 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-13972; Filed, Nov. 20, 1968; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 68-CE-17-AD; Amdt. 39-679]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Models 14-19-3A and 17-30 Airplanes

Amendment 39-609 (33 F.R. 8590, 8591), AD 68-12-2, prohibits operation of Bellanca Models 14-19-3A and 17-30 airplanes in excess of 180 miles per hour (156 knots), and requires the installation of a placard adjacent to the airspeed indicator in these airplanes reading "Never Exceed Speed 180 MPH (156 Knots) IAS". The speed restriction was prescribed for the purpose of preventing vibration of the horizontal tail surfaces of the subject airplanes. Since issuance of AD 68-12-2, the manufacturer has developed a modification to the elevator tab system which will allow safe operation of the airplane without the speed restriction imposed by the airworthiness directive. The modification is contained in Part A of Bellanca Service Letter No. 46 dated October 28, 1968, and consists of replacement of the elevator trim tab and actuation rod with a new design elevator trim tab and actuation rod and related changes. As a result of this redesign, the most forward center of gravity has been restricted. This restriction is detailed in Revision No. 5 dated October 26, 1968, to the Bellanca Model 14-19-3A Airplane Flight Manual, and in Revision No. 4 dated August 28, 1968, to the Bellanca Model 17-30 Airplane Flight Manual. In addition, during investigation of the vibration problem, the Agency determined that the airspeed system was inaccurate and in noncompliance with section 3.663 of the Civil Air Regulations due to static vent buttons of a dimension different than the necessary step height dimension of 0.020". The static vent buttons should be modified or replaced in accordance with Part B of Bellanca Service

Letter No. 46 dated October 28, 1968, to meet the required step height dimension of 0.020".

In order to assure that the above modifications are accomplished, an airworthiness directive is being issued requiring on or before November 22, 1969, replacement of the elevator trim tab and actuation rod revision of the respective Airplane Flight Manuals to restrict the forward center of gravity limit on Bellanca Models 14-19-3A and 17-30 airplanes, and requiring within 25 hours' time-in-service after the effective date of this airworthiness directive, modification or replacement of the static vent buttons with those of the required step height dimension on these model airplanes, in accordance with Bellanca Service Letter No. 46 dated October 28, 1968.

Since the speed restriction prescribed in AD 68-12-2 will remain in effect until the elevator tab system has been modified in accordance with Part A of Bellanca Service Letter No. 46 and in order to allow the manufacturer time to furnish parts for this modification, the agency believes the compliance time of 12 months is satisfactory. Since this airworthiness directive includes the subject matter of AD 68-12-2, it will supersede AD 68-12-2.

Since this amendment is in the interest of safety, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELLANCA: Applies to Model 14-19-3A (Serial Nos. 4229 through 4342) and Model 17-30 (Serial Nos. 30001 through 30151) airplanes.

Compliance required as indicated:

To prevent vibration of the horizontal tail surfaces, and to correct inaccurate airspeed indication, accomplish the following:

(A) On or before November 22, 1969, unless already accomplished, modify the elevator trim tab system by the installation of redesigned elevator trim tab and actuation rod and all related changes in accordance with Part A of Bellanca Service Letter No. 46, dated October 28, 1968, or any other method approved by Chief, Engineering and Manufacturing Branch, Central Region, Federal Aviation Administration.

(B) Unless already accomplished, after completion of the modifications required by Paragraph A, the restricted forward center of gravity limit must be incorporated into the respective Airplane Flight Manuals by accomplishing the following:

(1) To the Model 14-19-3A Airplane Flight Manual, add Revision No. 5 dated October 26, 1968.

(2) To the Model 17-30 Airplane Flight Manual, add Revision No. 4 dated August 28, 1968.

(C) Until the elevator trim tab has been modified in accordance with paragraph A, operation of the airplane in excess of 180 miles per hour (156 knots) is prohibited.

(D) Until the elevator trim tab has been modified in accordance with paragraph A, a placard must be installed in the airplane

¹ Published Interpretations of the Board of Governors of the Federal Reserve System.

adjacent to the airspeed indicator, in full view of the pilot with the following wording: "Never Exceed Speed 180 MPH (156 Knots) IAS".

(E) Within the next 25 hours' time-in-service after the effective date of this airworthiness directive, unless already accomplished, modify or replace the static vent buttons in accordance with Part B of Belanca Service Letter No. 46, dated October 28, 1968, or any other method approved by Chief, Engineering and Manufacturing Branch, Central Region, Federal Aviation Administration.

AD 68-12-2 is hereby superseded.

This amendment becomes effective November 22, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Kansas City, Mo., on November 12, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-13978; Filed, Nov. 20, 1968; 8:45 a.m.]

[Airspace Docket No. 68-WE-85]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the time of designation of the Palm Springs, Calif., control zone.

The Palm Springs control zone is presently designated from 0600 to 2200 hours local time daily. Due to changes in aircraft activity the hours of operation of the Palm Springs control tower will be changed to 0600 to 2300 hours, local time daily. Therefore action is taken herein to redesignate the Palm Springs control zone with effective hours coincident with those of the control tower.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth:

In § 71.171 (33 F.R. 2113) the Palm Springs, Calif., control zone is amended by deleting " * * * 0600 to 2200 hours, * * * " and substituting " * * * 0600 to 2300 hours, * * * " therefor.

Effective date. This amendment shall be effective 0901 G.m.t., December 12, 1968.

Issued in Los Angeles, Calif., on November 8, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 68-13979; Filed, Nov. 20, 1968; 8:45 a.m.]

[Airspace Docket No. 68-WE-84]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regula-

tions is to alter the description of the Fresno, Calif. (Chandler Municipal Airport), control zone.

The Fresno RBN has recently been redesignated the Chandler RBN and action is taken herein to reflect this change.

Since this change is editorial in nature, notice and public procedure hereon are unnecessary.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

In § 71.171 (33 F.R. 2084) the Fresno, Calif. (Chandler Municipal Airport) control zone is amended by deleting " * * * Fresno RBN * * * " where it appears in the text and substituting " * * * Chandler RBN * * * " therefor.

Effective date. This amendment shall be effective 0901 G.m.t., December 12, 1968.

Issued in Los Angeles, Calif., on November 8, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 68-13991; Filed, Nov. 20, 1968; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 3, Amdt. 7]

PART 120—LOAN POLICY

Business Loans and Guarantees

Section 120.2 of Part 120 of Title 13 of the Code of Federal Regulations is hereby amended by revising paragraph (d) (2) therein to read as follows:

§ 120.2 Business loans and guarantees.

* * * * *

(d) * * *

(2) If the purpose of the applicant in applying for financial assistance is to effect a change of ownership of a business unless such change will promote the sound development or preserve the existence of a small business concern; or will contribute to a well-balanced national economy by facilitating ownership of small business concerns by persons whose participation in the free enterprise system has been prevented or hampered because of economic, physical, or social disadvantages, or because of disadvantages in the business or residence locations.

* * * * *

Effective date: October 30, 1968.

HOWARD J. SAMUELS,
Administrator.

[F.R. Doc. 68-13984; Filed, Nov. 20, 1968; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Computerized Inventory Control System

§ 15.306 Commission does not object to computerized inventory control system to be furnished suppliers by third-party promoter subject to certain safeguards for nonparticipating retailers.

(a) The Commission issued an advisory opinion concerning a computerized inventory control system to be furnished suppliers by a third-party promoter.

(b) The promoter proposes to computerize sales data and project product inventory requirements for subscribing suppliers pursuant to information periodically obtained from participating retailers.

(c) The Commission advised the applicant (the promoter) that, on the basis of the information submitted, the Commission does not object to the proposal subject to two safeguards for nonparticipating dealers: First, that the promoter satisfy the Commission that its subscribing suppliers "will continue to provide personal salesman service or some non-computerized equivalent to those dealers who do not participate," and second, that suppliers "make the results of the computer analyses of sales trends and other general market information available to nonparticipants if and as they desire it."

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: November 20, 1968.

By the direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-13965; Filed, Nov. 20, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Foreign Origin of Cloth Made Into Tablecloths in U.S.A.

§ 15.307 Foreign origin of cloth made into tablecloths in U.S.A.—permissible labeling—proposed trade name and trademark; Commission warnings.

(a) The Commission issued an advisory opinion concerning permissible labeling of tablecloths converted, dyed and finished in the United States from cloth imported in the greige from Japan, and to be sold in interstate commerce.

(b) Submitted for Commission consideration was a label containing a proposed trade name and trademark. The trade name is a newly coined word composed of the term for the nationality of a particular European country, with a suffix. The trademark looks like a European heraldic design.

(c) The Commission advised the applicant that, in its opinion, use in commerce of the proposed trade name and trademark for the tablecloths in question would probably amount to a deceptive act or practice in violation of section 5 of the Federal Trade Commission Act. The deception appears to be so pronounced, the Commission added, that it cannot be abated by qualifying words, "Made in U.S.A. of cloth imported from Japan".

(d) Further, in the opinion of the Commission, Rule 34(b), § 303.34(b) of this chapter, under the Textile Fiber Products Identification Act, applies because the form of the cloth is basically changed and therefore the country of origin (Japan) need not be disclosed.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: November 20, 1968.

By direction of the Commission.¹

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-13966; Filed, Nov. 20, 1968;
8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Acquisition by Dairy Products Producer-Processor-Distributor of Another Processor-Distributor

§ 15.308 Commission does not object to proposed acquisition by dairy products producer-processor-distributor of another processor-distributor.

(a) The Commission issued an advisory opinion telling an applicant it does not object to a proposed merger on the basis of the information available at this time.

(b) The applicant (Company A) is a dairy farmer cooperative association whose members own cows producing raw milk; applicant operates processing plants in one State and sells dairy products principally to independent home delivermen in two States. The company (Company B) to be acquired operates a processing plant in one State and sells dairy products to independent home delivermen, grocery stores and institutions in two States. The processing plants of the two companies are not in the same State. Members of Company A presently supply about 50 percent of the raw milk needs of Company B and it is now anticipated that non-Company A members will be foreclosed as a result of the proposed merger.

(c) Company A and Company B contend that the proposed combination will result in a stronger regional business entity to compete more effectively with integrated chain stores (having their own dairy facilities) and large national dairy companies in selling dairy products to consumers.

¹ Commissioners Dixon and MacIntyre do not concur for the reason that this advice appears to them to be erroneous.

(38 Stat. 717, as amended; 15 U.S.C. 41-58;
49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: November 20, 1968.

By direction of the Commission.¹

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-13967; Filed, Nov. 20, 1968;
8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Miscellaneous Amendments

This part as filed with the FEDERAL REGISTER on June 29, 1955, was last amended on May 4, 1968 (33 F.R. 6819). The following amendments are made to Part 601:

PARAGRAPH 1. Section 601.101 is amended by revising paragraph (b) to read as follows:

§ 601.101 Introduction.

(b) *Scope.* This part sets forth the procedural rules of the Internal Revenue Service respecting all taxes administered by the Service, and supersedes the previously published statement (26 CFR (1949 ed., Part 300-End) Parts 600 and 601) with respect to such procedural rules. Subpart A provides a descriptive statement of the general course and method by which the Service's functions are channeled and determined, insofar as such functions relate generally to the assessment, collection, and enforcement of internal revenue taxes. Certain provisions special to particular taxes are separately described in Subpart D of this part. Conference and practice requirements of the Internal Revenue Service are contained in Subpart E of this part. Specific matters not generally involved in the assessment, collection, and enforcement functions are separately described in Subpart B of this part. A description of the rulemaking functions of the Treasury Department with respect to internal revenue tax matters is contained in Subpart F of this part. The procedural rules of the Service with respect to distilled spirits, wines, beer, cigars, cigarettes, cigarette papers and tubes, and certain firearms are described in Subpart C of this part. Subpart G of this part relates to matters of official record in the Internal Revenue Service and the extent to which records and documents are subject to publication or open to public inspection. This part does not contain a detailed discussion of the substantive provisions pertaining to any particular tax or the procedures relating

¹ Commissioner MacIntyre did not participate in this matter.

thereto, and for such information it is necessary that reference be made to the applicable provisions of law and the regulations promulgated thereunder. The regulations relating to the taxes administered by the Service are contained in Titles 26 and 27 of the Code of Federal Regulations.

PAR. 2. Section 601.104 is amended by revising subparagraphs (1), (2), and (3) of paragraph (a) to read as follows:

§ 601.104 Collection functions.

(a) *Collection methods.*—(1) *Returns.* Generally, an internal revenue tax assessment is based upon a return required by law or regulations to be filed by the taxpayer upon which he himself computes the tax in the manner indicated by the return. If a taxpayer fails to make a return it may be made for him by a district director or other duly authorized officer or employee. See section 6020 of the Code and the regulations thereunder. Returns must be made on the forms prescribed by the Internal Revenue Service. Forms are obtainable at the principal and branch offices of district directors of internal revenue. Taxpayers overseas may also obtain forms from any United States Embassy or consulate. Forms are generally mailed to persons whom the Service has reason to believe may be required to file returns, but failure to receive a form does not excuse failure to comply with the law or regulations requiring a return. Returns, supplementary returns, statements or schedules, and the time for filing them, may sometimes be prescribed by regulations issued under authority of law by the Commissioner with the approval of the Secretary of the Treasury or his delegate. In the case of certain individual income taxpayers having gross income from specified sources of less than \$10,000, a special form (Form 1040A) is prescribed upon which the taxpayer may set forth the information necessary to a determination of his tax liability. A taxpayer filing a return on Form 1040A shall compute the tax and transmit with the return any unpaid balance of tax, except that if his income was less than \$5,000 he may elect to have the Internal Revenue Service compute the tax and mail him a notice stating the amount of tax due. A husband and wife may make a single income tax return jointly. Certain affiliated groups of corporations may file consolidated income tax returns. See section 1501 of the Code and the regulations thereunder.

(2) *Withholding of tax at source.* Withholding at the source of income payments is an important method used in collecting taxes. For example, in the case of wage earners, the income tax is collected in large part through the withholding by employers of taxes on wages paid to their employees. The tax withheld at the source on wages is applied as a credit in payment of the individual's income tax liability for the taxable year. In no case does withholding of the tax relieve an individual from the duty of filing a return otherwise required by law. The chief means of collecting the income

tax due from nonresident alien individuals and foreign corporations having United States source gross income which is not effectively connected with the conduct of a trade or business in the United States is the withholding of the tax by the persons paying or remitting the income to the recipients. The tax withheld is allowed as a credit in payment of the tax imposed on such nonresident alien individuals and foreign corporations.

(3) *Declarations of estimated tax.* Any individual who may reasonably expect to receive gross income for the taxable year from wages or from sources other than wages, in excess of amounts specified by law, or who can reasonably expect his estimated tax to be \$40 or more, is required to file a declaration of estimated income tax and self-employment tax. Payments of estimated tax are applied in payment of the tax for the taxable year. A husband and wife may make a single declaration jointly, and the amount of the estimated tax paid on the declaration may be applied in payment of the income tax liability of either spouse in any proportion they may specify. For taxable years ending on or after December 31, 1955, the law requires a declaration of estimated tax by certain corporations. See section 6016 of the Code.

PAR. 3. Section 601.105 is amended by revising subdivision (i) (d) of paragraph (b) (5) and paragraph (c) (3) to read as follows:

§ 601.105 Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability.

(b) *Examination of returns.* * * *
(5) *Technical advice from the National Office*—(i) *Definition and nature of technical advice.* * * *

(d) The provisions of this subparagraph apply only to a case under the jurisdiction of a district director. They do not apply to a case under the jurisdiction of the Alcohol and Tobacco Tax Division or of the Appellate Division. Technical advice may not be requested with respect to a taxable period if a prior Appellate disposition of the same taxable period of the same taxpayer's case was based on mutual concessions (ordinarily with an 870-AD type agreement). Technical advice may not be requested by a district office on issues previously considered in a prior Appellate disposition, not based on mutual concessions, of the same taxable periods of the same taxpayer unless Appellate concurs in the request.

(c) *District conference procedure.* * * *

(3) *Scope of district conference procedure.* The conference procedure described in this paragraph is applicable in determining any liability involving questions of fact or law in respect of income, estate, gift, excise, or employment taxes. The conference procedure does not extend to cases of failure or refusal to comply with the tax laws because of moral, religious, political, constitu-

tional, conscientious, or similar grounds. Further, this procedure is not applicable in determining liability for any excise tax imposed by Subtitle E of the Internal Revenue Code (relating to alcohol, tobacco, machineguns, and certain other firearms), or by Subchapter D of chapter 78 (relating to certain import taxes) insofar as it relates to alcohol and tobacco. The procedure described in this paragraph does not apply in any case where criminal prosecution is under consideration, or in any case in which, in the discretion of the district director of internal revenue, the Government's interest would be prejudiced thereby. Nor does this procedure preclude the taking of appropriate action where the assessment or collection of the tax is in jeopardy. See paragraph (h) of this section.

PAR. 4. Section 601.106 is amended by revising so much of paragraph (a) (2) as follows subdivision (ii) thereof, and by revising paragraph (b). These revised provisions read as follows:

§ 601.106 Appellate functions.

(a) *General.* * * *
(2) * * *

(iii) Eliminate the ad valorem fraud penalty in any income, profits, estate, or gift tax case in which the penalty has been determined by the district office in connection with a tax year or period, or which is related to or affects such year or period, for which criminal prosecution against the taxpayer (or a related taxpayer involving the same transaction) has been recommended to the Department of Justice for willful attempt to evade or defeat tax, or for willful failure to file a return, except upon the recommendation or concurrence of the Regional Counsel; nor

(iv) Act in any case in which a recommendation for criminal prosecution is pending, except with the concurrence of regional counsel.

(v) [Deleted]

Authority to negotiate and make a settlement or concession in a case docketed in the Tax Court in a session status referred to in subdivision (i) of this subparagraph is delegated to the regional counsel.

(b) *Initiation of proceedings before the Appellate Division.* In any case in which the district director has issued a preliminary or "30-day letter" and the taxpayer files a written request for Appellate consideration and a written protest when required (see paragraph (c) (1) of §§ 601.103 and 601.507) against the proposed determination of tax liability, except as to those taxes described in paragraph (a) (3) of this section, the taxpayer has the right (and will be so advised by the district director) of administrative appeal to the regional office of the Appellate Division. However, the appeal procedures do not extend to cases involving solely the failure or refusal to comply with the tax laws because of moral, religious, political, constitutional, conscientious, or similar grounds. Organizations such as labor unions and trade

associations which have been examined by the district director to determine the amounts expended by the organization for purposes of lobbying, promotion or defeat of legislation, political campaigns, or propaganda related to those purposes are treated as "taxpayers" for the purpose of this right of administrative appeal. Thus, upon filing a written request for Appellate consideration and a written protest, when required, to the district director's findings that a portion of member dues is to be disallowed as a deduction to each member because expended for such purposes, the organization will be afforded full rights of administrative appeal to the Appellate Division of the region similar to those rights afforded to taxpayers generally. After review of any required written protest by the district director, the case and its administrative record are referred to the Appellate Division. No taxpayer is required to submit his case to the Appellate Division for consideration. Appeal is at the option of the taxpayer. A request for administrative appeal to the Appellate Division will not be denied because no district conference was held in the district director's office. After the issuance by the district director of a statutory notice of deficiency, upon the taxpayer's request, the Appellate Division may take up the case for settlement and may grant the taxpayer a conference thereon. Except in unusual circumstances, however, no conference will be granted prior to the filing of a petition in the Tax Court for a redetermination of the deficiency proposed in the statutory notice.

PAR. 5. Section 601.107 is deleted and in lieu thereof a new § 601.107 is added to read as follows:

§ 601.107 Intelligence functions.

(a) *General.* Each district has an Intelligence Division whose mission is to encourage and achieve the highest possible degree of voluntary compliance with the internal revenue laws by: enforcing the statutory sanctions applicable to income, estate, gift, employment, and certain excise taxes through the investigation of possible criminal violations of such laws and the recommendation (when warranted) of prosecution and/or assertion of the 50 percent ad valorem addition to the tax; developing information concerning the extent of criminal violations of all Federal tax laws (except those relating to alcohol, tobacco, narcotics, and firearms); measuring the effectiveness of the investigation process; and providing protection of persons and of property and other enforcement coordination as required.

(b) *Investigative procedure.* (1) A witness when questioned in an Intelligence Division investigation may have counsel present to represent and advise him. Upon request, a copy of an affidavit or transcript of a question and answer statement will be furnished a witness promptly, except in circumstances deemed by the Regional Commissioner to necessitate temporarily withholding a copy.

(2) Every person who may be the subject of a recommendation for prosecution shall be given an opportunity to explain his participation in the alleged criminal violation prior to the submission of the case to Regional Counsel, unless compelling reasons exist to the contrary. At this interview the principal will be informed, by a general oral statement, of the alleged fraudulent features of the case, to an extent consistent with protecting the Government's interests and, at the same time, making available to the taxpayer sufficient facts and figures to acquaint him with the nature, basis and other essential elements of the proposed criminal charge against him.

(c) *Processing of cases after investigation.* (1) The Assistant Regional Commissioner (Intelligence) may grant a conference to the subject of a criminal tax investigation referred to his office.

(2) The Assistant Regional Commissioner (Intelligence) shall ordinarily notify the subject of an investigation and his authorized representative, if any, when he forwards a case to the Regional Counsel with a recommendation for prosecution. This rule will not apply if the case is with a U.S. attorney.

PAR. 6. Section 601.201 is amended by adding a new paragraph (e) (11), by revising paragraphs (l) (9) and (l) (10), and by redesignating paragraph (n) (7) as paragraph (n) (8) and adding a new paragraph (n) (7). These added and revised provisions read as follows:

§ 601.201 Rulings and determination letters.

(e) *Instructions to taxpayers.* ***

(11) Where a taxpayer has received an adverse determination under section 367 of the Code, a protest directed to the position upon which the adverse determination is based will be considered by an informal board consisting of the Assistant Commissioner (Technical), Director of Income Tax Division and a representative of the Chief Counsel. This procedure is invoked by a request directed to the Assistant Commissioner (Technical).

(l) *Effect of rulings.* ***

(9) Taxpayers generally may rely upon Revenue Rulings published in the Internal Revenue Bulletin in determining the tax treatment of their own transactions and need not request specific rulings applying the principles of a published Revenue Ruling to the facts of their particular cases. However, since each Revenue Ruling represents the conclusion of the Service as to the application of the law to the entire state of facts involved, taxpayers, Service personnel, and others concerned are cautioned against reaching the same conclusion in other cases unless the facts and circumstances are substantially the same. Furthermore, they should consider the effect of subsequent legislation, regulations, court decisions, and Revenue Rulings.

(10) Under the authority of section 7805(b) of the Code, the Commis-

sioner or his delegate may prescribe the extent to which any ruling is to be applied without retroactive effect. The exercise of this authority requires an affirmative action. Therefore, each Revenue Ruling published in the Bulletin applies retroactively unless the Revenue Ruling includes a specific statement indicating the extent to which it is to be applied without retroactive effect. Where Revenue Rulings revoke or modify rulings previously published in the Internal Revenue Bulletin, the authority of section 7805(b) of the Code ordinarily is invoked to provide that the new rulings will not be applied retroactively to the extent that the new rulings have adverse tax consequences to taxpayers.

(n) *Organization claiming exemption under section 501 or 521 of the Code.* ***

(7) *Group exemption letters.* (i) *General.* (a) A group exemption letter is a ruling issued to a central organization recognizing on a group basis the exemption under section 501(c) of the Code of subordinate organizations on whose behalf the central organization has applied for exemption in accordance with this subparagraph.

(b) A central organization is an organization which has one or more subordinates under its general supervision or control.

(c) A subordinate is a chapter, local, post, or unit of a central organization. It may or may not be incorporated. A central organization may be a subordinate itself, such as a state organization which has subordinate units and is itself affiliated with a national organization.

(d) A subordinate included in a group exemption letter should not apply separately for an exemption letter, unless it no longer wants to be included in the group exemption letter.

(ii) *Requirements for inclusion in a group exemption letter.* (a) A central organization applying for a group exemption letter must establish its own exempt status.

(b) It must also establish that the subordinates to be included in the group exemption letter are:

(1) Affiliated with it;

(2) Subject to its general supervision or control; and

(3) Exempt under the same paragraph of section 501(c) of the Code, though not necessarily the paragraph under which the central organization is exempt.

(c) Each subordinate must authorize the central organization to include it in the application for the group exemption letter. The authorization must be signed by a duly authorized officer of the subordinate and retained by the central organization while the group exemption letter is in effect.

(iii) *Filing application for a group exemption letter.* (a) A central organization seeking a group exemption letter for its subordinates must establish its own exemption by filing an application (in duplicate) with the district director for the district where it would otherwise be required to file a tax return. For the form of application, see § 1.501(a)-1 of

this chapter (Income Tax Regulations). Any application received by the National Office or by a district director other than as provided above will be forwarded to the appropriate district director.

(b) If the central organization has previously established its own exemption, it must indicate its employer identification number, the date of the exemption letter, and the Internal Revenue Office that issued it. It need not resubmit documents already submitted. However, if it has not already done so, it must submit two copies of any amendments to its governing instruments or internal regulations as well as any information regarding any change in its character, purposes, or method of operation.

(c) In addition to the information required to establish its own exemption, the central organization must submit to the district director the following information, in duplicate, on behalf of those subordinates to be included in the group exemption letter:

(1) A letter signed by a principal officer of the central organization setting forth or including as attachments;

(i) Information verifying the existence of the relationships required by subdivision (ii) (b) of this subparagraph;

(ii) A description of the principal purposes and activities of the subordinates;

(iii) A sample copy of a uniform governing instrument (charter, trust indenture, articles of association, etc.), if such an instrument has been adopted by the subordinates; or, in the absence of a uniform governing instrument, copies of representative instruments;

(iv) An affirmation to the effect that, to the best of his knowledge, the subordinates are operating in accordance with the stated purposes;

(v) A statement that each subordinate to be included in the group exemption letter has furnished written authorization to the central organization as described in subdivision (ii) (c) of this subparagraph; and

(vi) A list of subordinates to be included in the group exemption letter to which the Service had issued an outstanding ruling or determination letter relating to exemption.

(2) A list of the names, mailing addresses (including Postal ZIP Codes), and employer identification numbers (if required for group exemption letter purposes by (e) of this subdivision) of subordinates to be included in the group exemption letter. An annual directory of subordinates may be furnished in lieu of the list if it includes the required information and if the subordinates not to be included in the group exemption letter are identified.

(d) If the central organization does not have an employer identification number, it must submit a completed Form SS-4, Application for Employer Identification Number, with its exemption application. See Rev. Rul. 63-247, C.B. 1963-2, 612.

(e) Each subordinate required to file an annual information return, Form 990 or 990-A, must have its own employer identification number, even if it has no

employees. The central organization must submit with the exemption application a completed Form SS-4 on behalf of each subordinate not having a number. Although subordinates not required to file annual information returns, Form 990 or 990-A, need not have employer identification numbers for group exemption letter purposes, they may need such numbers for other purposes.

(iv) *Information required annually to maintain a group exemption letter.* (a) The central organization must submit annually within 45 days after the close of its annual accounting period the following, in duplicate, to the Internal Revenue Service, Washington, D.C. 20224, Attention: T:MS:EO:R:

(1) Information regarding all changes in the purposes, character, or method of operation of subordinates included in the group exemption letter.

(2) A list showing the names, mailing addresses (including Postal ZIP Codes), and employer identification numbers (if required by subdivision (iii) (e) of this subparagraph) of (i) subordinates which have changed their names or addresses during the year, (ii) subordinates no longer to be included in the group exemption letter because they have ceased to exist, disaffiliated, or withdrawn their authorization to the central organization, and (iii) subordinates to be added to the group exemption letter because they are newly organized or affiliated or they have newly authorized the central organization to include them. An annual directory of subordinates may be furnished in lieu of such list if the affected subordinates are identified according to the three categories and their appropriate employer identification numbers are shown.

(3) The information required by subdivision (iii) (c) (1) of this subparagraph, with respect to subordinates to be added to the group exemption letter. However, if the information upon which the group exemption letter was based is applicable in all material respects to such subordinates, a statement to this effect may be submitted in lieu of the information required by subdivision (iii) (c) (1) (i) through (v) of this subparagraph.

(b) Submission of the information required by this subdivision does not relieve the central organization or any of its subordinates of the duty to submit such additional information as a district director may require to enable him to determine whether the conditions for continued exemption are being met. See sections 6001 and 6033 of the Code and the regulations thereunder.

(v) *Termination of a group exemption letter.* (a) Termination of a group exemption letter will result in nonrecognition of the exempt status of all included subordinates. To reestablish an exempt status in such cases, each subordinate must file an exemption application under the procedures outlined in subparagraph (1) of this paragraph, or a new group exemption letter must be applied for under this subparagraph.

(b) If a central organization dissolves or ceases to exist, the group exemption

letter will be terminated, notwithstanding that the subordinates continue to exist and operate independently.

(c) Failure of the central organization to submit the information required by subdivision (iv) of this subparagraph, or to file a required information return, Form 990 or 990-A, or to otherwise comply with section 6001 or 6033 of the Code and the regulations thereunder, may result in termination of the group exemption letter on the grounds that the conditions required for the continuance of the group exemption letter have not met. See Rev. Rul. 59-95, C.B. 1959-1, 627, 1959-1, 627.

(d) The dissolution of a subordinate included in a group exemption letter will not affect the exempt status of the other included subordinates.

(e) If a subordinate covered by a group exemption letter fails to comply with section 6001 or 6033 of the Code and the regulations thereunder (for example, by failing to file a required information return) and the Service terminates its recognition of the subordinate's status, a copy of the termination letter to the subordinate will be furnished to the central organization. The group exemption letter will no longer be applicable to such subordinate, but will otherwise remain in effect.

(vi) *Revocation of a group exemption letter.* (a) If the Service determines, under the procedures described in subparagraph (6) of this paragraph, that a central organization no longer qualifies for exemption under section 501(c) of the Code, the group exemption letter will be revoked. The revocation will result in nonrecognition of the exempt status of all included subordinates. To reestablish an exempt status in such cases, each subordinate must file an exemption application under the procedures outlined in subparagraph (1) of this paragraph or a new group exemption letter must be applied for under this subparagraph.

(b) If the Service determines, under the procedures described in subparagraph (6) of this paragraph, that a subordinate included in a group exemption letter no longer qualifies for exemption under section 501(c) of the Code, the central organization and the subordinate will be notified accordingly, and the group exemption letter will no longer apply to such subordinate, but will otherwise remain in effect.

(c) Where a subordinate organization has been disqualified for inclusion in a group exemption letter as described in (b) of this subdivision, and thereafter wishes to reestablish its exempt status, the central organization should, at the time it submits the information required by subdivision (iv) of this subparagraph, submit detailed information relating to the subordinate's qualification for re-inclusion in the group exemption letter.

(vii) *Instrumentalities or agencies of political subdivisions.* An instrumentality or agency of a political subdivision that exercises control or supervision over a number of organizations similar in purposes and operations, each of which may qualify for exemption under the same paragraph of section 501(c) of the Code,

may obtain a group exemption letter covering those organizations in the same manner as a central organization. However, the instrumentality or agency must furnish evidence that it is a qualified governmental agency. Examples of organizations over which governmental agencies exercise control or supervision are Federal credit unions, State chartered credit unions, and Federal land bank associations.

(viii) *Listing in cumulative list of organizations to which charitable contributions are deductible.* If a central organization to which a group exemption letter has been issued is eligible to receive deductible charitable contributions as provided in section 170 of the Code, it will be listed in Publication No. 78, Cumulative List—Organizations Described in section 170(c) of the Internal Revenue Code of 1954. The names of the subordinates covered by the group exemption letter will not be listed individually. However, the identification of the central organization will indicate whether contributions to its subordinates are also deductible.

(8) *Prohibited transactions.* * * *

PAR. 7. Section 601.202 is amended by revising paragraphs (b) and (d) to read as follows:

§ 601.202 Closing agreements.

(b) *Use of prescribed forms.* In cases in which it is proposed to close conclusively the total tax liability for a taxable period ending prior to the date of the agreement, Form 866, Agreement as to Final Determination of Tax Liability generally will be used. In cases in which agreement has been reached as to the disposition of one or more issues and a closing agreement is considered necessary to insure consistent treatment of such issues in any other taxable period Form 906, Closing Agreement as to Final Determination Covering Specific Matters, generally will be used. A request for a closing agreement which determines tax liability may be submitted at any time before the determination of such liability becomes a matter within the province of a court of competent jurisdiction. The request should be submitted to the district director of internal revenue with whom the return for the period involved was filed. However, if the matter to which the request relates is pending before an office of the Appellate Division, the request should be submitted to that office. A request for a closing agreement which relates only to a subsequent period should be submitted to the Commissioner of Internal Revenue, Washington, D.C. 20224.

(d) *Applicability of ruling requirements.* The requirements relating to requests for rulings (see § 601.201) shall be applicable with respect to requests for closing agreements pertaining to prospective transactions or completed transactions affecting returns to be filed (see paragraph (c) (2) of this section).

PAR. 8. Section 601.203 is amended by revising paragraph (a) (1), so much of paragraph (c) (1) as precedes subdivision (i) thereof, and paragraph (c) (3) to read as follows:

§ 601.203 Offers in compromise.

(a) *General.* (1) The Commissioner may compromise, in accordance with the provisions of section 7122 of the Code, any civil or criminal case arising under the internal revenue laws prior to reference to the Department of Justice for prosecution or defense. Certain functions of the Commissioner with respect to compromise of civil cases involving liability under \$100,000, and of certain specific penalties involving only the regulatory provisions of the Code and related statutes, have been delegated to district directors and to the Director of International Operations. The authority concerning offers in compromise of specific penalties and certain delinquency penalties has also been delegated to service center directors. In civil cases involving liability of \$500 or over and in criminal cases the functions of the General Counsel are performed by the Chief Counsel for the Internal Revenue Service. In certain cases these functions are performed in the National Office and in other cases by Regional Counsel. (See also paragraph (c) of this section.)

(c) *Consideration of offer.* (1) An offer in compromise is first considered by the director having jurisdiction. Except in certain penalty cases, an investigation of the basis of the offer is required. The examining officer makes a written recommendation for acceptance or rejection of the offer. If the director has jurisdiction over the processing of the offer he will:

(3) The district directors, service center directors, or Director of International Operations are authorized to reject any offer in compromise referred for their consideration. Unacceptable offers considered by the Chief Counsel, regional counsel, or the Appellate Division are also rejected by the district directors or Director of International Operations, as applicable. If an offer is not acceptable, the taxpayer is promptly notified of the rejection of that offer. If an offer is rejected, the sum submitted with the offer is returned to the proponent, unless the taxpayer authorizes application of the sum offered to the tax liability. A selective post review of offers rejected by a district director involving liabilities totaling \$5,000 or more is made by each regional commissioner. A selected post review of offers rejected by the Director of International Operations involving liabilities totaling \$5,000 or more is made by the National Office.

PAR. 9. The heading of Subpart C is amended to read as follows: "Subpart

C—Provisions Relating to Distilled Spirits, Wines, Beer, Cigars, Cigarettes, Cigarette Papers and Tubes, and Certain Firearms".

PAR. 10. Section 601.301 is amended by revising subparagraphs (3), (7), and (18), and deleting subparagraph (4), of paragraph (c). The revised provisions read as follows:

§ 601.301 Imposition of taxes, qualification requirements, and regulations.

(c) *Regulations.* * * *

(3) *Disposition of substances used in the manufacture of distilled spirits and articles and of containers used for the packaging of distilled spirits.* Part 173 of this chapter contains the regulations relative to the returns and records of the disposition of articles from which distilled spirits may be recovered, of substances of the character used in the manufacture of distilled spirits, and of containers of the character used for the packaging of distilled spirits; and to the manufacture and disposition of liquor bottles.

(4) [Deleted]

(7) *Rules of practice in permit proceedings.* Part 200 of this chapter contains the rules governing the procedure and practice in connection with the disapproval of applications for basic permits, and for the issuance of citations for the suspension, revocation, and annulment of such permits under sections 3 and 4 of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.), and disapproval, suspension, and revocation of industrial use, operating, withdrawal, and tobacco permits under the Code. Such rules also govern, insofar as applicable, any adversary proceeding involving adjudication required by statute to be determined on the record, after opportunity for hearing, under laws administered by the Alcohol and Tobacco Tax Division.

(18) *Liquor dealers.* Part 194 of this chapter contains the regulations relative to the special (occupational) taxes imposed on wholesale and retail dealers in liquors, wholesale and retail dealers in beer, and limited retail dealers; restrictions on purchases of distilled spirits; reuse or refilling of liquor bottles; sale or possession of refilled or used liquor bottles; repackaging of alcohol for industrial use; recordkeeping and reporting requirements; and provisions relating to entry of premises and inspection of records by internal revenue officers.

PAR. 11. Section 601.303 is amended by revising paragraphs (b) and (c) (1) to read as follows:

§ 601.303 Claims.

(b) *Claims for abatement.* When the tax on distilled spirits, wines, or beer,

or the rectification tax is assessed and the taxpayer thinks that the tax is not due under the law, he may file a claim for abatement of the tax on Form 843 with the director of an internal revenue service center or, where required by regulations, with the assistant regional commissioner (alcohol and tobacco tax). Forms 843 may be procured from the director of the service center, the district director, or the assistant regional commissioner. The director of the service center forwards the claim to the assistant regional commissioner (alcohol and tobacco tax) for consideration, and the director of the service center may call upon the taxpayer to file a bond in double the amount of the tax in order to insure collection of the tax if the claim is rejected. When the claim is acted upon, both the taxpayer and the director of the service center are notified of the allowance or rejection of the claim. If the claim is rejected, the director of the service center will initiate action to collect the tax.

(c) *Claims for refund.*—(1) *Taxes illegally, erroneously, or excessively collected.* A claim on Form 843 for refund of taxes illegally, erroneously, or excessively collected may be filed by a taxpayer with the director of the service center serving the internal revenue district in which the tax was paid or, where required by regulations, with the assistant regional commissioner (alcohol and tobacco tax). Such claim must be filed within three years (2 years under certain circumstances) after the date of payment of the tax. The director of the service center forwards the claim to the assistant regional commissioner (alcohol and tobacco tax) for consideration. If the claim is rejected, the taxpayer is notified of the rejection by registered or certified mail, and he may then bring suit in the U.S. District Court or the Court of Claims for recovery of the tax. Such suits must be filed generally within two years from the date of mailing of the rejection notice. If the claim is allowed, an appropriate notice of allowance with a check for the amount of the refund and allowable interest is forwarded to the taxpayer; however, if there are other unpaid taxes outstanding against the taxpayer, the overpayment may be applied to the outstanding taxes and the balance, if any, refunded.

PAR. 12. Section 601.311 is amended by revising paragraphs (b) (3) and (b) (6) and by revising subdivisions (ii) and (iii), and deleting subdivision (iv), of paragraph (b) (7). These revised provisions read as follows:

§ 601.311 Imposition of taxes; regulations.

(b) *Regulations.* * * *

(3) Part 275 of this chapter relates to cigars, cigarettes, and cigarette papers and tubes imported into the United States from a foreign country or brought into the United States from Puerto Rico, the Virgin Islands, or a possession of the

United States; the removal of cigars from a customs bonded manufacturing warehouse, Class 6; and the release of such articles from customs custody, without payment of internal revenue tax or customs duty attributable to the internal revenue tax.

(6) Part 295 of this chapter relates to the removal of cigars, cigarettes, and cigarette papers and tubes, without payment of tax, for use of the United States.

(7) * * * * *

(ii) Losses of cigars, cigarettes, and cigarette papers and tubes caused by disasters occurring in the United States on or after September 3, 1958; and

(iii) Purchase, receipt, possession, offering for sale, or sale or other disposition of cigars and cigarettes by dealers in such products.

(iv) [Deleted]

PAR. 13. Section 601.313 is amended by revising paragraphs (a) and (b) to read as follows:

§ 601.313 Collection of taxes.

(a) *Cigars and cigarettes.* Taxes on cigars and cigarettes are paid by the manufacturer on the basis of a return. If the manufacturer has filed a proper bond, he may defer payment at the time of removal and file semimonthly returns to cover the taxes. If the manufacturer has not filed such a bond or if he has defaulted in any way in paying his taxes, he is required to file a prepayment return prior to removal of such products, and to continue so doing until the assistant regional commissioner (alcohol and tobacco tax) finds that the revenue will not be jeopardized by deferred payment. Tax returns, with remittances, are filed by the domestic manufacturer with the appropriate district director of internal revenue. Taxes on cigars produced in a customs bonded manufacturing warehouse, Class 6, are paid on the basis of a return to the director of customs in accordance with customs procedures and regulations. Taxes on cigars and cigarettes imported or brought into the United States from a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are paid by the importer to the director of customs on the basis of a return made on the customs form by which release from customs custody is to be effected. However, taxes on cigars and cigarettes manufactured in Puerto Rico and brought into the United States may be prepaid in Puerto Rico on the basis of a return. If a Puerto Rican manufacturer has filed a proper bond, he may defer payment at the time of release for shipment to the United States and file a semimonthly return to cover the taxes. If the manufacturer has not filed such a bond or if he has defaulted in any way in payment of his taxes, he must file a prepayment return prior to removal of such products for shipment to the United States, and continue to do so until the Director's Representative of the Office of International Operations in Puerto Rico finds that the revenue will not be jeopardized by deferred payment.

ardized by deferred payment. Tax returns in Puerto Rico, with remittances, are filed with the Director's representative.

(b) *Cigarette papers and tubes.* Taxes on cigarette papers and tubes are paid by the manufacturer on the basis of a monthly return. Such returns, with remittances, are filed with the district director of internal revenue for the district in which the factory is located. Taxes on cigarette papers and tubes imported or brought into the United States from a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are paid to the director of customs before removal on the basis of a return made on the customs form by which release from customs custody is effected. However, taxes on cigarette papers and tubes of Puerto Rican manufacture which are to be shipped to the United States may be prepaid in Puerto Rico on the basis of a return.

PAR. 14. Section 601.315 is amended by revising paragraphs (a) through (h) to read as follows:

§ 601.315 Claims.

(a) *General.* Detailed requirements including the procedure to be followed in the filing of a claim, the form to be used, the supporting documents which must be submitted, the time within which a claim may be filed, and any other limitations or instructions are contained in the applicable regulations referred to in § 601.311.

(b) *Abatement of assessment.* Abatement of the unpaid portion of an assessment of any tax on cigars, cigarettes, and cigarette papers and tubes, or any liability in respect thereof, may be allowed to the extent that such assessment is excessive in amount, is assessed after expiration of the applicable period of limitation, or is erroneously or illegally assessed.

(c) *Allowance of tax.* Relief from the payment of tax on cigars, cigarettes, and cigarette papers and tubes may be extended to a manufacturer by approval of a claim for allowance where such articles, after removal from the factory upon determination of tax and prior to the time for payment of such tax, are lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, while in the possession or ownership of the manufacturer who removed such articles, or are withdrawn by him from the market.

(d) *Remission of tax liability.* Remission of the tax liability on cigars, cigarettes, and cigarette papers and tubes may be extended to a manufacturer or export warehouse proprietor liable for the tax, where such articles in bond are lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, while in the possession or ownership of the manufacturer or export warehouse proprietor.

(e) *Refund of tax.* Taxes paid on cigars, cigarettes, and cigarette papers and tubes lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, while in the possession or ownership

of the manufacturer, importer, or export warehouse proprietor, or withdrawn by him from the market, may be refunded. Refunds may also be made within certain limitations for overpayments of tax on cigars, cigarettes, and cigarette papers and tubes.

(f) *Losses caused by disaster.* Payment of an amount equal to the amount of internal revenue taxes paid or determined and customs duties paid on cigars, cigarettes, and cigarette papers and tubes removed from the factory or released from customs custody, which are lost, rendered unmarketable, or condemned by a duly authorized official by reason of a "major disaster" as determined by the President of the United States may be made only if, at the time of the disaster, such articles were being held for sale by the claimant. Claims must be filed within 6 months from the date on which the President makes the determination that the disaster has occurred. The determination date is construed to mean the date the Director, Office of Emergency Planning, identifies the specific disaster area.

(g) *Drawback of tax.* Drawback may be allowed to the person who paid the tax on cigars, cigarettes, and cigarette papers and tubes which are shipped to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States.

(h) *Credit of tax.* Taxes paid on cigars, cigarettes, and cigarette papers and tubes lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, while in the possession or ownership of the manufacturer, or withdrawn by him from the market, may be credited upon approval of a claim.

PAR. 15. Section 601.401 is amended by revising paragraph (a) (1), paragraph (a) (3), so much of paragraph (a) (5) as follows subdivision (i) thereof, paragraph (b) (3), and paragraph (c), and by adding a new paragraph (d) (4). These added and revised provisions read as follows:

§ 601.401 Employment taxes.

(a) *General.*—(1) *Description of taxes.* Federal employment taxes are imposed by Subtitle C of the Internal Revenue Code. Chapter 21 (Federal Insurance Contributions Act) imposes a tax on employers of one or more individuals and also a tax on employees, with respect to "wages" paid and received. Chapter 22 (Railroad Retirement Tax Act) imposes (i) an employer tax and employee tax with respect to "compensation" paid and received, (ii) an employee representative tax with respect to "compensation" received, and (iii) a supplemental tax on employers, measured by man-hours for which "compensation" is paid. Chapter 23 (Federal Unemployment Tax Act) imposes a tax on employers of four or more individuals with respect to "wages" paid. Chapter 24 (collection of income tax at source on wages) requires every employer making payment of "wages" to deduct and withhold upon such wages

the tax computed or determined as provided therein. The tax so deducted and withheld is allowed as a credit against the income tax liability of the employee receiving such wages.

(3) *Collection methods.* Employment taxes are collected by means of returns and by withholding by employers. Except as provided in the case of tips, employee tax must be deducted and withheld by employers from "wages" or "compensation" paid to employees, and the employer is liable for the employee tax whether or not it is so deducted. Employee representatives (as defined in the Railroad Retirement Tax Act) are required to file returns. Employment tax returns must be filed with the district director or, if so provided in instructions applicable to a return, with the service center designated in the instructions. The return of the Federal unemployment tax is required to be filed annually on Form 940 with respect to wages paid during the calendar year. All other returns of Federal employment taxes (with the exception of returns filed for agricultural employees) are required to be filed for each calendar quarter except that if pursuant to regulations the district director so notifies the employer, returns on Form 941 are required to be filed on a monthly basis. The employer and employee taxes imposed by chapter 21 other than the employer and employee taxes on wages paid for agricultural labor and the tax required to be deducted and withheld upon wages by chapter 24 are combined in a single return on Form 941. In the case of wages paid by employers for domestic service performed in a private home not on a farm operated for profit, the return of both the employee tax and the employer tax imposed by chapter 21 is on Form 942. However, if the employer is required to file a return for the same quarter on Form 941, he may at his election include the taxes with respect to such domestic service on Form 941. The employer and employee taxes imposed by chapter 21 with respect to wages paid for agricultural labor are required to be reported annually on Form 943. Under the Railroad Retirement Tax Act, the return required of the employer is on Form CT-1, and the return required of each employee representative is on Form CT-2. An employee is not required to file a return of employee tax, except that he must include in his income tax return (as provided in the applicable instructions) any amount of employee tax (i) due with respect to tips that the employee failed to report to the employer or (ii) shown on the employee's Form W-2 as "Uncollected Employee Tax on Tips".

(5) *Use of Federal Reserve banks and authorized commercial banks in connection with payment of Federal employment taxes.* * * *

(ii) *Monthly deposits.* With respect to employers not required to make deposits under subdivision (i) of this subpara-

graph, if (a) during any calendar month, other than the last month of a calendar quarter, the aggregate amount of the employee tax deducted and the employer tax under chapter 21 and the income tax withheld at source on wages under chapter 24, exclusive of taxes reportable on Form 942 and Form 943, exceeds \$100, or (b) at the end of any month or period of 2 or more months and prior to December 1 of any calendar year, the total amount of undeposited taxes imposed by chapter 21, with respect to wages paid for agricultural labor, exceeds \$100, it is the duty of the employer to deposit such amount within 15 days after the close of such calendar month.

(iii) *Quarterly and year-end deposits.* Whether or not an employer is required to make deposits under subdivisions (i) and (ii) of this subparagraph, if the amount of such taxes reportable on Form 941 or 943 (reduced by any previous deposits) exceeds \$100, the employer shall, on or before the last day of the first calendar month following the period for which the return is required to be filed, deposit such amount with a Federal Reserve bank or authorized commercial bank. However, if the amount of such taxes (reduced by any previous deposits) does not exceed \$100, the employer may either include with his return a direct remittance for the amount of such taxes or, on or before the last day of the first calendar month following the period for which the return is required to be filed, voluntarily deposit such amount with a Federal Reserve bank or authorized commercial bank.

(iv) *Additional rules.* Deposits under subdivisions (i), (ii), and (iii) of this subparagraph are made with a Federal Reserve bank or a commercial bank authorized in accordance with Treasury Department Circular No. 1079, revised, to accept remittances of these taxes for transmission to a Federal Reserve bank. The remittance of such amount must be accompanied by a Federal Tax Deposit, Withheld Income and FICA Taxes form (Form 501, or Form 511 in the case of Agricultural Employers). Each employer making deposits shall report on the return for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return and pay therewith (or deposit by the due date of such return) the balance, if any, of the taxes due for such period.

(v) *Employers under chapter 22 of the Code.* Depositary procedures similar to those prescribed in this subparagraph are prescribed for employers as defined by the Railroad Retirement Tax Act, except that railroad retirement taxes are not required to be deposited semi-monthly. Such taxes must be deposited by using Form 507, Federal Tax Deposit, Railroad Retirement Taxes.

(b) *Provisions special to the Federal Insurance Contributions Act.* * * *

(3) *Reporting of wages.* Forms 941, 942, and 943 each require, as a part of the return, that the wages of each employee paid during the period covered

by the return be reported thereon. Form 941a is available to employers who need additional space for the listing of employees. Employers who meet the requirements of the Social Security Administration may, with the approval of the Commissioner of Internal Revenue, submit wage information on reels of magnetic tape in lieu of Form 941a. It is necessary at times that employers correct wage information previously reported. A special form, Form 941c, has been adopted for use in correcting erroneous wage information or omissions of such wage information on Form 941, 942, or 943. Instructions on Form 941, 941c, 942, and 943 explain the manner of preparing and filing the forms. Any further instructions should be obtained from the district director.

(c) *Adjustments by employers—(1) Under-collections and underpayments—(i) Employer tax or employee tax.* If a return is filed by an employer under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act, and the employer reports and pays less than the correct amount of employer tax or employee tax, the employer is required to report and pay the additional amount due. The reporting will be an adjustment without interest only if the employer reports and pays the additional amount on or before the last day on which his return is required to be filed for the return period in which the error is ascertained. The employer may so report the additional amount either on his return for that period or on a supplemental return for the period for which the underpayment was made. If the employer fails to report the additional amount due within the time so fixed for making an interest-free adjustment, the employer nevertheless is required to report the additional amount in the same manner, but interest will be due. No adjustment of an underpayment may be made under this section or § 31.6205-1(b) (2) if the employer is sent a notice and demand for payment of the additional tax.

(ii) *Income tax withholding.* If an employer files a return reporting and paying less than the correct amount of income tax required to be withheld from wages paid during the return period, the employer is required to report and pay the additional amount due, either (a) on a return for any return period in the calendar year in which the wages were paid, or (b) on a supplemental return for the return period in which the wages were paid. The reporting will be an adjustment without interest only if the employer reports and pays the additional amount on or before the last day on which the return is required to be filed for the return period in which the error was ascertained. If an employer reports and pays less than the correct amount of income tax required to be withheld in a calendar year, and the employer does not correct the underpayment in the same calendar year, the employer should consult the district director of internal revenue as to the manner of correcting the error.

(2) *Overcollections from employees—*

(i) *Employee tax.* If an employer collects from an employee more than the correct amount of employee tax under the Federal Insurance Contributions Act or the Railroad Retirement Act, and the error is ascertained within the applicable period of limitation on credit or refund, the employer is required either to repay the amount to the employee, or to reimburse the employee by applying the amount of the overcollection against employee tax which otherwise would be collected from the employee after the error is ascertained. If the overcollection is repaid to the employee, the employer is required to obtain and keep the employee's written receipt showing the date and amount of the repayment. In addition, if the employer repays or reimburses an employee in any calendar year for an overcollection which occurred in a prior calendar year, the employer is required to obtain and keep the employee's written statement (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

(ii) *Income tax withholding.* If, in any return period in a calendar year, an employer withholds more than the correct amount of income tax, and pays over to the Internal Revenue Service the amount withheld, the employer may repay or reimburse the employee in the excess amount in any subsequent return period in the same calendar year. If the amount is so repaid, the employer is required to obtain and keep the employee's written receipt showing the date and amount of the repayment.

(3) *Employer's claims for credit or refund of overpayments—*(i) *Employee tax.* If an employer repays or reimburses an employee for an overcollection of employee tax, as described in subparagraph (2) (i) of this paragraph, the employer may claim credit on a return in accordance with the instructions applicable to the return. In lieu of claiming credit the employer may claim refund by filing Form 843, but the employer may not thereafter claim credit for the same overpayment.

(ii) *Income tax withholding.* If an employer repays or reimburses an employee for an excess amount withheld as income tax, as described in subparagraph (2) (ii) of this paragraph, the employer may claim credit on a return for a return period in the calendar year in which the excess amount was withheld. The employer is not otherwise permitted to claim credit or refund for any overpayment of income tax that the employer deducted or withheld from an employee.

(d) *Special refunds of employee social security tax.* * * *

(4) Employee taxes under the Federal Insurance Contributions Act and the Railroad Retirement Tax Act include a percentage rate for hospital insurance. If in 1968 or any calendar year thereafter employee taxes under both Acts are deducted from an employee's wages and

compensation aggregating more than \$7,800, the "special refund" provisions may apply to the portion of the tax that is deducted for hospital insurance. The employee may take credit on Form 1040 for the amount allowable, in accordance with the instructions applicable to that form.

PAR. 16. Section 601.402 is amended by revising paragraph (c) (1) to read as follows:

§ 601.402 Sales taxes collected by return.

(c) *Returns, refunds, and credits—*(1) *Returns.* The sales taxes referred to in paragraph (a) of this section are collected by means of returns. Any person liable for tax is required to file returns with the district director or, if so provided in instructions applicable to a return, with the service center designated in the instructions. A procedure similar to the deposit procedure with respect to the payment of certain Federal employment taxes, described in § 601.401(a) (5), is prescribed with respect to the sales taxes referred to in paragraph (a) of this section. For information relating to the use of Form 504, Federal Tax Deposit, Excise Taxes, see the instructions on Form 720, Quarterly Federal Excise Tax Return.

PAR. 17. Section 601.403 is amended by revising paragraphs (c) (2) and (c) (3) to read as follows:

§ 601.403 Miscellaneous excise taxes collected by return.

(c) *Collection of tax.* * * *

(2) *Collected taxes.* The other miscellaneous excise taxes referred to in this section are imposed on the person making the payment for the telephone, air transportation, or other service involved. These taxes are required to be collected by the telephone company, airline, or other person receiving the payment. All taxes collected in this manner are held by the collecting agent in trust for the United States until deposited in accordance with the depositary procedure or paid over to the Service. The collecting agencies are required to file returns and the tax is payable, without notice from the district director, at the time fixed for filing the returns. If the person from whom the tax is required to be collected refuses to pay it or, if for any reason it is impossible for the collecting agency to collect the tax from such person, the collecting agency is required to report to the district director of internal revenue for the district in which its returns are required to be filed the name and address of such person, the nature of the service or facility rendered, the amount paid therefor, and the date on which paid. Upon receipt of this information the district director will proceed against the person to whom the facilities were provided or the services rendered to assert the amount of tax due, affording such person the same district conference, protest and appellate rights as are available to other excise taxpayers. In addition,

when a field or office audit of a collecting agency's records, or of a taxpayer's records, discloses that the collecting agency failed during prior reporting periods to collect taxes due, the district director may assert such taxes directly against the person to whom the facilities were provided or the services rendered, whether or not the collecting agency had attempted collection or the person liable for the tax had refused payment thereof.

(3) *Depositary procedure.* Depositary procedures similar to those prescribed for Federal employment taxes, described in § 601.401(a) (5), are prescribed with respect to the miscellaneous excise taxes (except the taxes on the use of highway motor vehicles, wagers, hydraulic mining, and circulation other than of national banks) referred to in paragraph (a) of this section. For information relating to the use of the Form 504, Federal Tax Deposit, Excise Taxes, see the instructions on Form 720, Quarterly Federal Excise Tax Return.

PAR. 18. Section 601.502 is amended by revising paragraph (b) (4) and by adding a new subdivision (iv) to paragraph (c) (3). These added and revised provisions read as follows:

§ 601.502 Requirements for conference—recognition to practice and, in certain cases, power of attorney or tax information authorization.

(b) *Requirements to be met by taxpayer's representative in order to be recognized.* * * *

(4) *List of disbarred or suspended persons.* Upon issuance of a final order disbaring or suspending an attorney, certified public accountant, or enrolled agent from practice before the Internal Revenue Service, the Director of Practice will give notice thereof to appropriate officers and employees of the Service. The names of such disbarred or suspended persons will be published in the Internal Revenue Bulletin for the information of Service personnel and the general public. The names of persons disbarred or suspended from practice before the Service are maintained on a roster in the Office of the Commissioner of Internal Revenue where it is available for public inspection.

(c) *Requirement of a power of attorney or a tax information authorization.* * * *

(3) *Exceptions to requirement of power of attorney or tax information authorization in certain cases.* * * *

(iv) Divorced or separated parents may receive, without providing a tax information authorization or power of attorney, from the Internal Revenue Service an itemized statement of expenditures upon which the other parent bases his claim of support of a child under section 152(e) (2) (B) of the Code. Confidential tax information disclosed by the itemized statement will be strictly limited to the matters in issue.

PAR. 19. Section 601.505 is amended by revising paragraph (b) to read as follows:

§ 601.505 Requirements for changing representation.

(b) *Cases where taxpayer may be contacted directly.* Where a taxpayer's representative has unreasonably delayed or hindered an examination or investigation by failing to furnish, after repeated requests, nonprivileged information necessary to the examination or investigation, the Revenue Service representative conducting the examination or investigation may report the situation to the Chief of Audit, or Chief of Intelligence, for the District and request permission to contact the taxpayer directly for such information. The Chief of Audit, or Chief of Intelligence, will carefully consider the situation and make a determination as to whether such permission should be granted. If such permission is granted, the case file will be documented with sufficient facts to show how the examination or investigation was being delayed or hindered, and written notice of such permission, briefly stating the reason why it was granted, will be given to the representative and the taxpayer. Moreover, if he deems it advisable, the district director may refer the matter to the Director of Practice for possible disciplinary proceedings under section 10.23 of Circular No. 230.

PAR. 20. Section 601.521 is revised to read as follows:

§ 601.521 Requirements for conference and representation in conference.

Any person desiring a conference in the office of the assistant regional commissioner (alcohol and tobacco tax) of his region or of the Director, Alcohol and Tobacco Tax Division, in Washington, D.C., relative to any matter arising in connection with his operations, will be accorded such a conference upon request. No formal requirements are prescribed for such conference. Where an industry member or other person is to be represented in conference, the representative must be recognized to practice as provided in paragraph (b) of § 601.502. When a representative presents himself on behalf of an industry member or other person for the initial meeting in the office of an assistant regional commissioner (alcohol and tobacco tax) or of the Director, Alcohol and Tobacco Tax Division, he must submit evidence of recognition; or he should state in his first letter or other written communication with such office whether he is recognized to practice, and should enclose evidence of such recognition. In the case of a qualified attorney or a qualified certified public accountant, the filing of the applicable written declaration described in paragraph (b)(1)(i) and (ii) of § 601.502 shall constitute evidence of recognition. In the case of an enrollee, the filing of a notification, stating that he is enrolled to practice and giving his enrollment number or the expiration date of his enrollment card, shall constitute evidence of recognition.

(5 U.S.C. 301, 552(a)(1))

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.
[F.R. Doc. 68-13997; Filed, Nov. 20, 1968;
8:47 a.m.]

Title 29—LABOR**Chapter V—Wage and Hour Division,
Department of Labor****PART 516—RECORDS TO BE KEPT
BY EMPLOYERS****Retail or Service Establishment
Commission Employees**

On September 21, 1968, notice of proposed rule-making regarding record-keeping requirements in 29 CFR 516.16 relating to the employment of commission employees of retail or service establishments under section 7(i) of the Fair Labor Standards Act of 1938, as amended by the Fair Labor Standards Amendments of 1966, was published in the FEDERAL REGISTER (33 F.R. 14327). After consideration of all such relevant matter as was presented by interested persons, the amendment as so proposed is hereby adopted, except that paragraph (b) of § 516.16, as noticed, is changed.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 18th day of November 1968.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour
and Public Contracts Divisions.

Section 516.16 of 29 CFR Part 516 is revised to read as follows:

§ 516.16 Commission employees of a retail or service establishment exempt from overtime pay requirements pursuant to section 7(i) of the Act.

With respect to employees of a retail or service establishment who are exempt from the overtime pay requirements pursuant to the provisions of section 7(i), employers shall maintain and preserve payroll and other records, with respect to each and every such employee, containing all the information and data required by § 516.2(a) except subparagraphs (6), (8), (9), and (11), and in addition thereto:

(a) A symbol or letter placed on the payroll records identifying each employee who is paid pursuant to section 7(i).

(b) An indication whether the employee's regular rate of pay in each workweek (see § 779.428 and 779.429 of this chapter) is in excess of one and one-half times the minimum hourly rate applicable to him under section 6 of the Act and that basic records are available and will be kept to demonstrate this fact.

(c) A copy of the agreement or understanding under which section 7(i) is utilized or, if such agreement or understanding is not in writing, a memo-

random summarizing its terms including the basis of compensation (such as \$100 weekly draw against 5 percent commission on sales), and showing the applicable representative period and the date it was entered into and how long it remains in effect. Such agreements or understandings, or summaries may be individually or collectively drawn up.

(d) Total compensation paid to each employee each pay period (showing separately the amount of commissions and the amount of noncommission straight-time earnings).

(29 U.S.C. 211)

[F.R. Doc. 68-14004; Filed, Nov. 20, 1968;
8:48 a.m.]

**Title 33—NAVIGATION AND
NAVIGABLE WATERS****Chapter II—Corps of Engineers,
Department of the Army****PART 207—NAVIGATION
REGULATIONS****Missouri River; Columbia River, Wash.**

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.306 is hereby prescribed governing navigation on the Missouri River during periods of critical flood stages effective on publication in the FEDERAL REGISTER for the immediate protection of life and property, as follows:

§ 207.306 Missouri River; administration and navigation.

(a) *Supervision.* The District Engineers, U.S. Army Engineer Districts, Kansas City, Mo., and Omaha, Nebr., have certain administrative supervision over reaches of the river within the limits of their respective districts and are charged with the enforcement under their direction of emergency regulations to govern navigation on the river.

(b) *General.* The regulations in this section shall implement those contained in paragraph (s) of § 207.300.

(c) *Navigation.* During critical flood stages on any particular limited reach of the Missouri River when lives, floating plant or major shore installations and levees are endangered, the District Engineer in charge of the locality shall have the authority to declare the reach of the river closed to navigation or to prescribe temporary speed regulations whenever it appears to him that such action is necessary to prevent immediate human suffering or to mitigate major property damage or destruction from wave action. The period of closure and all speed regulations prescribed by the District Engineer shall be for the duration of the emergency as determined by the District Engineer and shall be terminated at the earliest practicable time that improved river conditions permit.

[Regs., Oct. 30, 1968, 1507.32 (Missouri River)—ENGW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.715a is hereby prescribed establishing and governing the use of a restricted area in the Columbia River near Grand Coulee, Washington, effective 30 days after publication in the FEDERAL REGISTER as follows:

§ 207.715a Columbia River, Wash.

(a) *Grand Coulee Dam discharge channel; restricted area*—(1) *The area.* That portion of the Columbia River between Grand Coulee Dam (situated at river mile 596.6) and river mile 593.7.

(2) *The regulations.* (i) No vessel shall enter or navigate within the area without permission from the enforcing agency.

(ii) The regulation in this section shall be enforced by the Chief, Power Field Division, Columbia Basin Project, U.S. Department of the Interior, Coulee Dam, Washington.

[Regs., Oct. 30, 1968, 1507-32 (Columbia River, Wash.)—ENGW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent
Branch, Office of the Comptroller, TAGO.

[F.R. Doc. 68-13968; Filed, Nov. 20, 1968; 8:45 a.m.]

PART 209—ADMINISTRATIVE
PROCEDURE

Shipping Safety Fairways and Anchorage Areas; Gulf of Mexico; Correction

F.R. Document No. 68-12984, appearing at 33 F.R. 15797, October 25, 1968, is corrected as follows:

1. In § 209.135(d)(15), appearing in the first column on page 15799, the seventh entry under Latitude, which reads "28°29'02", is changed to read "28°39'02".

2. In § 209.135(d)(41), appearing in the second column on page 15800, the fourth entry under Latitude, which reads "29°20'47", is changed to read "30°20'47".

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent
Branch, Office of the Comptroller, TAGO.

[F.R. Doc. 68-13969; Filed, Nov. 20, 1968; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 137—OFFICIAL MAIL

PART 143—METERED STAMPS

PART 152—WHO MAY CARRY
LETTERS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 137.1 paragraph (d)(6) is amended for purposes of clarification.

§ 137.1 Members of Congress.

(d) *Restrictions.* * * *

(6) Franked mail must be addressed to the recipient by name, except as provided in § 123.4(d)(2) of this chapter.

NOTE: The corresponding Postal Manual section is 137.14f.

II. In § 143.1 the listing, under paragraph (d), of manufacturers authorized to lease postage meters to mailers is updated to show the correct company names.

§ 143.1 Postage meters.

(d) *Meter manufacturers.* * * *

(1) Commercial Controls Corp., Friden, Inc., Division of The Singer Co., 1

Leighton Avenue, Rochester, N.Y. 14607.

(2) Friden, Inc., Division of The Singer Co., 2350 Washington Avenue, San Leandro, Calif. 94577.

(3) International Postal Supply Co., Friden, Inc., Division of The Singer Co., Lewistown, Pa. 17044.

(4) National Cash Register Co., Dayton, Ohio 45409.

(5) Pitney-Bowes, Inc., Pacific and Walnut Streets, Stamford, Conn. 06904.

(6) Postalia Corp. 32-31 57th Street, Woodside, Flushing, N.Y. 11377.

NOTE: The corresponding Postal Manual section is 143.14.

III. In § 152.2 paragraph (c)(2) is amended to add a cross-reference in order to better define bills and statements of account.

§ 152.2 What are letters.

(c) *Examples of letters.* * * *

(2) *Bills and statements of account.*

Bills and statements of account are letters when sent by business concerns or persons selling goods or rendering service to their customers. This includes store accounts, premium notices, water bills, bank statements and receipts, and receipted statements of account when sent from a creditor to the debtor. See § 131.2(a)(4) of this chapter for a more complete definition.

NOTE: The corresponding Postal Manual section is 152.232.

(5 U.S.C. 301, 39 U.S.C. 501, 901, 4053, 4161)

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 68-13993; Filed, Nov. 20, 1968; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Information Returns-Foreign Corporations; Hearing

The proposed amendment to the regulations under the Internal Revenue Code, relating to information returns with respect to certain foreign corporations appears in the *FEDERAL REGISTER* for November 15, 1968.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Thursday, December 19, 1968, at 10 a.m., in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by December 16, 1968. Notification of intention to attend the hearing may be given by telephone, 202-964-3935.

Lester R. Uretz,
Chief Counsel.

[SEAL] By: JAMES F. DRING,
Director, Legislation and
Regulations Division.

[F.R. Doc. 68-14003; Filed, Nov. 20, 1968;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 929]

CRANBERRIES

Expenses and Rate of Assessment for 1968-69 Fiscal Period

Consideration is being given to the following proposals submitted by the Cranberry Marketing Committee, established under the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by said committee, during the fiscal period August 1, 1968, through August 31, 1969, will amount to \$64,500.

(2) That there be fixed, at \$0.045 per barrel or equivalent quantity of cranberries, the rate of assessment payable by each handler in accordance with \$929.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of the notice in the *FEDERAL REGISTER*. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 18, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 68-14001; Filed, Nov. 20, 1968;
8:48 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 60]

ALIENS SEEKING TO ENTER THE UNITED STATES FOR PURPOSE OF PERFORMING LABOR

Notice of Proposed Rule Making

Pursuant to Section 212(a) (14) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1182), I hereby propose to amend 29 CFR Part 60 as set forth herein.

Any person interested in this proposal may file a written statement of data, views, or argument regarding it with the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, within 30 days after this notice is published in the *FEDERAL REGISTER*. Copies of the proposed "precertification list" referred to in this proposal may be obtained by writing to the above address.

This proposal is intended to supersede the portion of the proposal published on April 23, 1968 (33 F.R. 6167), that was not adopted on September 10, 1968 (33 F.R. 12808).

1. Section 60.3 would be revised to read as follows:

§ 60.3 Request for certification not covered by § 60.2.

(a) Any alien seeking admission to the United States under sections 101(a) (27) (A) (other than the parent, spouse, or child of a U.S. citizen or alien lawfully admitted to the United States for per-

manent residence), 203(a) (3), 203(a) (6), or 203(a) (8) whose category of employment is not included in the certification Schedule A, or noncertification Schedule B referred to in § 60.2 or is not the subject of paragraph (b) or (c) of this section, or other person on his behalf, may request a 212(a) (14) certification by filing a Form ES-575A describing the alien's qualifications and a Form ES-575B describing his prospective employment in the United States. These forms and instructions concerning their use, completion and transmission may be obtained from any consular office, any office of the Immigration and Naturalization Service, or any local office of a State employment service. These forms should be filed at the local office of the State employment service servicing the area where the alien will be employed. They should not be filed directly with the U.S. Department of Labor in Washington, D.C.

(b) Any person qualified as a professional or who has exceptional ability in the sciences or arts and whose occupation or qualifications are not listed on Schedule A shall request a 212(a) (14) certification by filing a Form ES-575A describing his qualifications and shall omit filing a Form ES-575B describing his prospective employment in the United States. Forms (and instructions) are available from, and should be filed with, U.S. Consular offices abroad and Immigration and Naturalization Service offices. Such instructions will where appropriate require aliens to indicate where they will reside. Except as provided in paragraph (c) of this section, U.S. Consular offices abroad or the Immigration and Naturalization Service offices shall send the ES-575A's to the Department of Labor. All sources of labor available for the area of intended residence will be reviewed. Certification will be issued if warranted by the circumstances at that time. If the review shows workers are available, or that wages or working conditions of workers similarly employed will be adversely affected, the certification will not be issued. Applications will not be accepted by the U.S. Department of Labor directly from the alien, because initial review by U.S. Consular offices abroad or Immigration and Naturalization Service offices is required.

(c) In those cases where the Secretary of Labor has determined after continuous review of sources for filling demands for particular occupations (not on Schedule A or B) that U.S. workers are not available except in particular areas and that the employment of aliens except in those particular areas will not adversely affect workers in the United States similarly employed, U.S. Consular offices abroad and Immigration and

Naturalization Service offices will be notified that any alien whose occupation and intended place of residence is described in such notice is certified under section 212(a)(14) of the Immigration and Nationality Act. Copies of lists of such notification of determinations (to be entitled "precertification list") may be obtained from the Manpower Administrator, U.S. Department of Labor, Washington, D.C. 20210. This list is reviewed continuously to be sure that it will be kept current. Precertification lists will be issued quarterly or more frequently if necessary. If adverse effects occur from the admission of alien workers in a listed occupation in a listed location, or if an adequate supply of qualified workers in the occupation becomes available in a listed location, the occupation will be removed or the locations for which it is certified will be changed. Any person may at any time file requests at the above address for additions to or deletions from the precertification list. Persons whose occupations and intended places of residence are described in the precertification list shall apply for certification by filing a Form ES-575A describing his qualifications and may omit filing a Form ES-575B describing his prospective employment in the United States. Forms (and Instructions) are available from, and should be filed with, U.S. Consular offices abroad and Immigration and Naturalization Service offices. If the person intends to reside in a location not included on the precertification list, he should follow the procedure set forth in paragraph (a) of this section.

2. "Schedule C" now appearing at the end of 29 CFR Part 60 would be revoked in its entirety.

(79 Stat. 911; 8 U.S.C. 1182)

Signed at Washington, D.C., this 15th day of November 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-14005; Filed, Nov. 20, 1968;
8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-CE-102]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Alma, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Gratiot Community Airport, Alma, Mich., utilizing a city-owned radio beacon which will be relocated as a navigational aid. Consequently, it is necessary to provide controlled airspace for the protection of aircraft executing this new approach procedure by altering the 700-foot floor transition area at Alma, Mich. The new approach procedure will become effective concurrently with the alteration of the transition area. When the radio beacon is relocated, the present instrument approach procedure for Alma Municipal Airport will be canceled.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

ALMA, MICH.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Gratiot Community Airport (latitude 43°-19'25" N., longitude 84°41'40" W.); and within 2 miles each side of the 278° bearing from Gratiot Community Airport, extending from the 6-mile radius area to 8 miles west of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 31, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-13980; Filed, Nov. 20, 1968;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-103]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations so as to alter the transition area at Holland, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Tulip City Airport, Holland, Mich., utilizing the Pullman, Mich., VORTAC as a navigational aid. Consequently, it is necessary to provide controlled airspace for the protection of aircraft executing this new approach procedure by altering the 700-foot floor transition area at Holland, Mich. The new approach procedure will become effective concurrently with the alteration of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

HOLLAND, MICH.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Park Township Airport (latitude 42°47'45" N., longitude 86°09'45" W.); within a 6-mile radius of Tulip City Airport (latitude 42°44'45" N., longitude 86°06'30" W.); and within 2 miles each side of the Pullman, Mich., VORTAC 358° radial, extending from the 6-mile radius area to 12 miles north of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 31, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-13981; Filed, Nov. 20, 1968;
8:46 a.m.]

PROPOSED RULE MAKING

[14 CFR Part 71]

[Airspace Docket No. 68-CE-98]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Windom, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Windom, Minn., Municipal Airport, utilizing a State-owned radiobeacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a 700-foot floor transition area at Windom, Minn. The new procedure will become effective concurrently with the designation of the transition area. The Minneapolis Air Route Traffic Control Center, through the Redwood Falls, Minn., Flight Service Station, will control IFR air traffic into and out of the Windom Municipal Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is added:

WINDOM, MINN.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Windom Municipal Airport (latitude 43°-54'50" N., longitude 95°06'35" W.); within 5 miles east and 8 miles west of the 354° bearing from Windom Municipal Airport, extending from the airport to 12 miles north of the airport; and within 5 miles each side of the

174° bearing from Windom Municipal Airport, extending from the airport to 12 miles south of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 31, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-13982; Filed, Nov. 20, 1968;
8:46 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 68-WE-78]

JET ROUTE SEGMENT

Proposed Revocation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would revoke Jet Route No. 10 segment between Denver, Colo., and O'Neill, Nebr.

The latest FAA peak day traffic survey showed that only seven aircraft utilized J-10, whereas 49 aircraft utilized J-30 segment, which is designated direct between Denver and O'Neill and which provides a 14 nautical mile shorter route. It has been determined that this segment of J-10 is no longer required. Accordingly, the FAA proposes to revoke the J-10 segment between Denver and O'Neill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 13, 1968.

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 68-13983; Filed, Nov. 20, 1968;
8:46 a.m.]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 179]

[Docket No. HM-10; Notice No. 68-8]

TRANSPORTATION OF HAZARDOUS MATERIALS

Tank Car Specifications

The Hazardous Materials Regulations Board is considering amending Parts 173 and 179 of the Hazardous Materials Regulations to authorize the use of additional tank cars and to include tank car specifications for these tank cars. These proposed amendments are almost entirely based on requests for the adoption of additional tank car specifications submitted by the Association of American Railroads (AAR). The tank car proposals submitted by the Committee of the AAR were based largely on experience gained under a number of outstanding special permits.

Interested persons are invited to participate in the making of these proposed rules by submitting written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received before February 18, 1969, will be considered by the Board before taking final action on the notice. All comments will be available for examination by interested persons at the Office of the Secretary of the Board both before and after the closing date for comments. The proposals contained in this notice may be changed in light of comments received.

These proposals are set forth in the type of detailed specifications that have been used for many years in this field. As has been announced previously (see for example the proposed oil pipeline regulation (33 F.R. 10213 and the notice published in 33 F.R. 11862)), it is the Board's intention in the future to prescribe minimum performance type requirements rather than detailed specification type requirements. However, in view of the substantial amount of time and effort of both the industry and of the Federal Railroad Administration that can be saved through the elimination of many special permits, it is desirable to issue this proposal in the traditional specification form rather than to let the existing situation stand while performance specifications are developed.

The special commodity requirements presently shown in §§ 179.102 and 179.202 relating to pressure tank car tanks and non-pressure tank car tanks, respectively, have for the most part been relocated in appropriate sections of Part 173 applicable to the commodity. This is for consistency of format since the subject material is primarily applicable to shipper requisites rather than to specifications for the construction of tank car

tanks. Those requirements presently in §§ 179.102 and 179.202 pertinent to the construction of the tank have not been altered. This relocation affects §§ 173.124, 173.264, 173.268, and 173.314 in Part 173.

Section 179.2(a)(4) identifies "DOT" and "Department" as the Department of Transportation. Similar editorial adjustments are reflected in §§ 179.3, 179.4, and 179.5. In § 179.6, reference is made to Appendix R of the AAR Specifications for Tank Cars. Section 179.12-2(b) would permit a 20 percent reduction in carbon steel pipe, if welded, and would reflect provisions that have been incorporated in other tank car standards for many years.

Section 179.100, in addition to updating section cross-references and incorporating references to various appendices of the AAR Specifications for Tank Cars, requires, at subsection 4, that the jacket covering insulation be of a thickness not less than eleven gauge. At subsection 6, more stringent requirements are added to assure that tank plates are not reduced during forming below specification requirements. Also the welded joint efficiency factor change to 1.0 recognizes improvements in welding and weld inspection over the years in addition to the fact that all such tank welds are 100 percent radiographed. At subsection 7 the tables are deleted and in place thereof reference is made to Appendix M of the AAR Specifications for Tank Cars which includes all approved materials including specifications on high tensile strength steel, and on cladding. Subsection 14 would define more clearly the limitation on extreme projection of bottom outlets on cars. Paragraph (a)(5) would require a screw plug on closure which has been standard approved practice, but never specified heretofore. Subsection 15(a) is to be consistent with § 179.100-1 which includes valve flow rating pressures for safety-relief valves. Subsection 15(c) would require the safety-relief valve on specification 105A500W tanks to be set for a start-to-discharge pressure of 360 p.s.i. in keeping with current practice.

Section 179.101 provides for the construction of tank cars to new specifications 114A400W, 117A340W, 120A300W, and 112A400F. At the same time, provisions are made for specifying valve flow rating pressure, and for bottom outlets on certain cars.

Section 179.102 has been altered as previously mentioned. In addition, provisions for liquefied carbon dioxide and chlorine tanks to accommodate the use of new steels are made. Provisions for the alternate setting of safety-relief valves on butadiene and vinyl chloride tanks are made. Additionally, provisions have been made for hydrogen sulfide tanks built to specification 105A600W.

Section 179.103 adds special requirements for class 117AW uninsulated tank cars used in the dual service of compressed gases and flammable liquids; and 120AW insulated tank cars used in the

dual service of compressed gases and flammable liquids. Subsection 5 provides specific requirements for approved bottom outlet valves.

Section 179.200, general specifications applicable to nonpressure tank car tanks, makes substantive changes in subsections 3, 4, 6, 7, 15, 16, 17, 22, and 24. Subsection 4 requires insulation on tanks to be covered with a metal jacket not less than 11 gauge. Subsection 6 is clarified to assure that thickness of tank plate is not reduced during forming below specification requirements. Also the weld joint efficiency factor is to be 1.0 for seamless heads of all tanks. Subsection 7 omits reference to ASTM specifications in preference to adoption of Appendix M of the AAR Specifications for Tank Cars which appendix has been updated in keeping with current industry practices. Subsection 15 has been amended to delete reference to AAR specification M-402, Grade 35018, malleable iron castings. Subsection 16 requires the application of shutoff valves at specific locations on the tank when top loading and discharge devices are installed. Subsection 17 would define more clearly the limitation on extreme projection of bottom outlets on cars with truck centers less than or greater than 60 feet 6 inches. Subsection 22 is addressed to all lined tanks instead of rubber-lined tanks only. Subsection 24 adds paragraph (b) to provide an abbreviated marking for class 111A tank car tanks by omitting the suffix numeral.

Section 179.201-1 provides for the construction of tank cars to new specifications 111A100ALW, 111A60W2, 111A60W5, 117A340W, 120A300W, 111A60W1, 111A60ALW2, 111A100ALW1, 111A100ALW2, and 111A60W7. Subsection 3 makes distinct the requirements applying to rubber-lined tanks and tanks lined with material other than rubber. Subsections 4, 5, and 6 adopt by reference the requirements specified in Appendix M of AAR Specifications for Tank Cars. Subsection 7 requires safety relief devices to comply with § 179.200-18.

Section 179.202 has been altered as previously mentioned. In addition, reference to hydrofluoric acid, and nitric acid has been included.

Sections 179.220 and 179.221 have been added to provide general specifications applicable to class 115AW tank cars consisting of an inner container supported within an outer shell.

In §§ 179.300-6 and 179.300-8 more stringent requirements are added to assure that tank plates are not reduced during forming below specification requirements. In subsection 7 reference to ASTM specifications has been deleted in preference to adopting certain material specifications by reference to Appendix M of the AAR Specifications for Tank Cars. In subsection 17 the tests for frangible discs of safety vents are required to comply with Appendix A of the AAR Specifications for Tank Cars.

In § 179.301, a correction is made to the values prescribed for the safety relief devices applicable to 110A1000W tanks.

The change to § 179.302 rearranges the commodities in alphabetical order and consolidates the family of aluminum alkyls (pyroforic materials) under the generic description, "pyroforic liquids, n.o.s."

Sections 179.400 and 179.401 have been expanded to provide for the construction of class 113AW tank cars for liquefied ethylene service, and to provide for advancements in engineering and design of tank cars for the transportation of liquefied hydrogen.

In § 179.500, editorial changes have been made to subsections 3, 6, 8, 10, 12, and 17. Subsection 4 has been modified to assure that the cylinder shell is not reduced during forming below specification requirements. Subsection 7 has been re-titled and provisions inserted to rely upon the requirements for test specimens prepared in accordance with Appendix W of the AAR Specifications for Tank Cars. In subsection 17, the size of letters has been reduced to 1½ inches to be uniform with other marking requirements. Throughout Part 179, editorial changes have been made to the marking requirements for tank cars to substitute the letters "DOT" for "ICC" and "Department" for "Commission."

This amendment is proposed under the authority of sections 831-835, title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and § 1.4(d)(6) of the regulations of the Office of the Secretary of Transportation.

In consideration of the foregoing it is proposed to amend Title 49 of the Code of Federal Regulations as herein-after set forth.

Issued in Washington, D.C., on November 13, 1968.

A. SHEFFER LANG,
Administrator,
Federal Railroad Administration.

I. Part 173 would be amended as follows:

(A) By amending subparagraph (a)(5) with no change in note 1 in § 173.124 to read as follows:

§ 173.124 Ethylene oxide.

(a) * * *

(5) Spec. 105A100,¹ 105A100W, 111A100W4, or ARA-A-IV¹ (§§ 179.100, 179.101, 179.200, 179.261 of this chapter). Tank cars. Specs. 105A200W, 105A300W, 105A400W, 105A500W, and 105A600W (§§ 179.100 and 179.161 of this chapter) must be restenciled 105A100W and be equipped with safety valves of the type and size used in spec. 105A100W tank cars. Openings in tank heads to facilitate application of nickel lining are authorized and must be closed in an approved manner. See Note 1 of § 173.119(f)(3). (See § 173.432 for shipping instructions.) Tank jacket shall be stenciled on both sides in letters not less than one and one-half inches high "For Ethylene Oxide Only."

(B) By amending subparagraph (b) (2) of § 173.264 to read as follows:

§ 173.264 Hydrofluoric acid.

(b) * * *

(2) Spec. 105A300W, 112A400W, or ARA-V¹ (§§ 179.100, 179.101 of this chapter). Tank cars equipped with special valves and appurtenances approved for this particular service. Filling density must not exceed 90 percent of the pounds water weight capacity of the tank. For safety relief valve see § 179.100-15 (b) and (c).

(C) By amending subparagraph (c) (2) of § 173.268 to read as follows:

§ 173.268 Nitric acid.

(c) * * *

(2) Spec. 103A-ALW (§§ 179.200, 179.201 of this chapter). Tank car. Bottom washout or bottom outlet is prohibited unless effectively sealed with an approved arrangement to prevent use. Safety vent is prohibited.

(D) By amending paragraph (c) table, Notes 6, 12, and 17 of § 173.314 as follows:

§ 173.314 Requirements for compressed gases in tank cars.

(c) * * *

NOTE 6: Tank shall be insulated with an approved material of sufficient thickness so that the thermal conductance at 60° F. is not more than 0.03 B.t.u. per hour per square foot per degree F. temperature differential; except that in order to permit an anchorage which shall not exceed 7 inches from top of center sills to bottom of tank, the insulation thickness directly over the sills may be reduced to give thermal conductance not exceeding 0.04 B.t.u. per hour per square foot per degree F. temperature differential. Tank shall be equipped with one safety relief valve set for the start-to-discharge pressure listed in § 179.101, and one safety vent of approved design, set to function at a pressure less than the tank test pressure, but not less than 75 percent of tank test pressure. The discharge capacity of each of these safety relief devices shall be sufficient to prevent building up pressure in tank in excess of 82½ percent of the tank test pressure. Each tank shall be equipped with two pressure-regulating valves of approved design, set to open at a pressure not exceeding 350 p.s.i. on spec. 105A500W tanks or 400 p.s.i. on spec. 105A600W tanks. Each regulating valve and safety relief device shall have its final discharge piped to the outside of the protective housing.

NOTE 12: Special tank requirements applicable to chlorine see § 179.102. Nominal 16-, 30-, or 55-ton car tanks shall be loaded to the nominal weights with a tolerance of plus 0 minus 2 percent. Tanks shall be constructed in compliance with spec. 105A500W. Cars may be registered and jackets stenciled spec. 105A300W or 105A500W and equipped with a safety relief valve required by the specification to which registered. The interior pipes of liquid discharge valves shall be equipped

with excess flow valves of approved design. Insulation shall be 4 inches of corkboard or 4 inches of self-extinguishing polyurethane foam. Specs. 105A300 and 105A500 cars having forge-welded anchors must not be used for shipments of chlorine.

NOTE 17: Tank shall be insulated with an approved material of sufficient thickness so that the thermal conductance at 60° F. is not more than 0.03 B.t.u. per hour per square foot per degree F. temperature differential; except that in order to permit an anchorage which shall not exceed 7 inches from top of center sill to bottom of tank, the insulation thickness directly over the sills may be reduced to give thermal conductance not exceeding 0.04 B.t.u. per hour per square foot per degree F. temperature differential. Tank shall be equipped with one safety relief valve, set for the start-to-discharge pressure listed in § 179.101 of this chapter, and one safety vent of approved design, set to function at a pressure less than the tank test pressure, and not less than 75 percent of the tank test pressure. The discharge capacity of each of these safety relief devices shall be sufficient to prevent building up pressure in tank in excess of 82½ percent of the tank test pressure. Each safety relief device shall have its final discharge piped to the outside of the protective housing. The temperature of the vinyl fluoride, inhibited when the car is offered in transportation shall not exceed zero degrees F. and the pressure shall not exceed 105 p.s.i. The shipper shall notify the Bureau of Explosives, and the Bureau of Railroad Safety, Federal Highway Administration, whenever a car is not received by the consignee within 30 days from the date of shipment.

II. Part 179 would be amended as follows:

(A) The Table of Contents would be amended by amending Subparts C, D, and F Headings; by adding Subpart G Heading; by amending §§ 179.103, 179.400, 179.401, 179.500; by adding §§ 179.7, 179.220, 179.221 as follows:

Subpart C—Specifications for Pressure Tank Car Tanks (Classes 105A, 109A, 112A, 114A, 117A, and 120A)

Sec. 179.7 Matter incorporated by reference.
179.103 Special requirements for classes 114A, 117A, and 120A tank car tanks.

Subpart D—Specifications for Nonpressure Tank Car Tanks (Classes 103, 104, 111A, and 115A)

Sec. 179.220 General specifications for nonpressure tank car tanks consisting of an inner container supported within an outer shell (class 115A).
179.221 Individual specification requirements applicable to nonpressure tank car tanks consisting of an inner container supported within an outer shell.

Subpart F—Specifications for Liquefied Hydrogen Only or Liquefied Ethylene Only Tank Car Tanks (Class 113A)

Sec. 179.400 General specifications applicable to liquefied hydrogen only or liquefied ethylene only tank car tanks.
179.401 Individual specification requirements for liquefied hydrogen only or liquefied ethylene only tank car tanks.

Subpart G—Specifications for High Pressure Tank Car Tanks (Class 107A)

Sec. 179.500 Specifications applicable to DOT-107A * * *, seamless steel tank car tanks.

(B) By amending subparagraph (a) (4); by adding subparagraph (a) (11) in § 179.2 to read as follows:

§ 179.2 Definitions and abbreviations.

(a) * * *

(4) "DOT" and "Department" mean the Department of Transportation.

(11) "AAR Specifications for Tank Cars" means the (to be inserted) edition of the Specifications for Tank Cars published by the Association of American Railroads, 59 East Van Buren Street, Chicago, Ill. 60605.

§ 179.3 [Amended]

(C) By amending that portion of paragraphs (b) and (c) of § 179.3 now reading "Commission" to read "Department", and "ICC" to read "DOT".

§ 179.4 [Amended]

(D) By amending that portion of paragraph (b) of § 179.4 now reading "Commission" to read "Department".

§ 179.5 [Amended]

(E) By amending that portion of paragraph (b) of § 179.5 now reading "ICC" to read "DOT".

(F) By amending paragraph (a) of § 179.6 to read as follows:

§ 179.6 Repairs and alterations.

(a) For procedure to be followed in making repairs or alterations, see Appendix R of the AAR Specifications for Tank Cars.

(G) By adding § 179.7 to read as follows:

§ 179.7 Matter incorporated by reference.

(a) *Incorporation.* There are hereby incorporated by reference, into this part, all materials referred to in this part that are not set forth in full in this part. These materials are hereby made a part of the regulation in this part. Materials subject to change are incorporated as they are in effect on the date of adoption of the amendment that incorporates them, unless the reference to them provides otherwise.

(b) All incorporated materials are available for inspection in the Office of Hazardous Materials, 400 Sixth Street SW., Washington, D.C. In addition, materials incorporated by reference are available as follows:

(1) AAR Specifications for Tank Cars and other AAR publications—Association of American Railroads, 59 East Van Buren Street, Chicago, Ill. 60605.

(2) ASME Boiler and Pressure Vessel Code Section VIII, and other ASME publications—American Society of Mechanical Engineers, 29 West 39th Street, New York, N.Y. 10018.

(3) ASTM Specification E-23-64, and other ASTM publications—American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa 19103.

(H) By adding a new footnote 1 to paragraph (b) table in § 179.12-2; redesignating footnote 1 as footnote 2; add footnote reference 1 in first line, center column and change reference second line to read 2 as follows:

§ 179.12-2 Materials and dimensions.

(b) * * *

* When welded joints are used a 20 percent reduction in minimum thickness is permitted.

* Nominal thickness.

(I) By amending Subpart C heading as follows:

Subpart C—Specifications for Pressure Tank Car Tanks (Classes 105A, 109A, 112A, 114A, 117A, and 120A)

(J) By amending the heading of § 179.100-1; amending paragraph (a) of § 179.100-3; amending paragraph (a) of § 179.100-4; amending paragraph (a) of § 179.100-6; amending paragraphs (a) and (b) of § 179.100-7; amending paragraph (a) of § 179.100-12; amending the introductory text of paragraph (a) and subparagraphs (a) (1) and (3), redesignating subparagraph (a) (5) as (a) (6), and adding a new paragraph (a) (5) in § 179.100-14; amending paragraphs (a), (b), and (c) of § 179.100-15; changing first line of second column of Example in paragraph (a) from "ICC" to "DOT" in § 179.100-20 as follows:

§ 179.100-1 Tanks built under these specifications shall meet with the requirements of §§ 179.100, 179.101 and, when applicable, §§ 179.102, 179.103, and 179.104.

§ 179.100-3 Type.

(a) Tanks built under this specification shall be fusion-welded with heads designed convex outward. Except as provided in § 179.103 or § 179.104, they shall be circular in cross section, shall be provided with a manway nozzle on top of the tank of sufficient size to permit access to the interior, a manway cover to provide for the mounting of all valves, measuring and sampling devices, and a protective housing. Other openings in the tank are prohibited, except as provided in Part 173 of this chapter, §§ 179.100-14, 179.101-1 table, (footnote 10, § 179.102-12 or § 179.103.

§ 179.100-4 Insulation.

(a) If insulation is applied, the tank shell and manway nozzle shall be insulated with an approved material. The entire insulation shall be covered with a metal jacket of thickness not less than 11 gauge (0.1196 inch) nominal (Manufacturer's Standard Gauge, AISI) and flashed around all openings so as to be weather tight. The exterior surface of a carbon steel jacket and the inside surface of a carbon steel jacket shall be given

a protective coating except that protective coating is not required when foam-in-place insulation that adheres to the tank or jacket is applied.

§ 179.100-6 Thickness of plates.

(a) The wall thickness after forming of the tank shell and heads shall not be less than that specified in § 179.101, nor that calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where:

d=Inside diameter in inches;

E=1.0 welded joint efficiency; except for heads with seams=0.9;

P=Minimum required bursting pressure in p.s.i.;

S=Minimum tensile strength of plate material in p.s.i., as prescribed in AAR Specifications for Tank Cars, Appendix M;

t=Minimum thickness of plate in inches after forming.

§ 179.100-7 Materials.

(a) Carbon steel plate used to fabricate tank shell and manway nozzle shall be as specified in AAR Specifications for Tank Cars, Appendix M, Section M3.01.

(b) Aluminum alloy plate used to fabricate tank shell and manway nozzle shall be as specified in AAR Specifications for Tank Cars, Appendix M, Section M3.02.

§ 179.100-12 Manway nozzle, cover and protective housing.

(a) Manway nozzles shall be of approved design of forged or rolled steel for steel tanks or fabricated aluminum alloy for aluminum tanks, with access opening at least 18 inches inside diameter, or at least 14 inches by 18 inches obround or oval. Nozzle shall be welded to the tank and the opening reinforced in an approved manner in compliance with the requirements of AAR Specifications for Tank Cars, Appendix E, Figure E10.

§ 179.100-14 Bottom outlets.

(a) Bottom outlets for discharge of lading are prohibited, except as provided in § 179.103. If indicated in § 179.101, tank may be equipped with a bottom washout of approved construction. If applied, bottom washout shall be in accordance with the following requirements:

(1) On newly built and empty cars with truck centers through 60 feet, 6 inches the extreme projection of the bottom outlet equipment shall be at least 12 inches above the top of rail on level track. On cars with truck centers greater than 60 feet, 6 inches the minimum rail clearance shall be in accordance with the graph in Appendix E of the AAR Specifications for Tank Cars. All bottom outlet reducers and closures and their attachments shall be secured to car by at least 3/8-inch chain or its equivalent, except that outlet closure plugs may be attached by 1/4-inch chain. When the bottom outlet closure is of the combina-

tion cap and valve type, the pipe connection to the valve shall be closed by a plug, cap, or approved quick-coupling device.

(3) If bottom washout nozzle extends 6 inches or more from shell of tank, a V groove shall be cut (not cast) in the upper part of the nozzle at a point immediately below the lowest part of inside closure seat or plug to a depth that will leave wall thickness of nozzle at the root of the V not over one-fourth inch. Where nozzle is not a single piece, provision shall be made for the equivalent of the breakage groove. The nozzle shall be of a thickness to insure that accidental breakage will occur at or below the V groove or its equivalent.

(5) The closure of the washout nozzle must be equipped with a 3/4-inch solid screw plug. Plug must be attached by at least a 1/4-inch chain.

(6) Joints between closures and their seats may be gasketed with suitable material.

§ 179.100-15 Safety relief valves.

(a) The tank shall be equipped with one or more safety relief valves of approved design, made of metal not subject to rapid deterioration by the lading. The safety relief valve, or valves, shall be mounted on manway cover, except as provided in § 179.103. The total valve discharge capacity shall be sufficient to prevent building up pressure in tank in excess of 82 1/2 percent of the tank test pressure or 10 p.s.i. above the start-to-discharge pressure, whichever is larger. The start-to-discharge and vapor-tight pressures shall comply with § 179.101 and shall not be affected by any auxiliary closure or other combination. For certain commodities, alternate pressures are permitted (see § 179.102-11). See AAR Specifications for Tank Cars, Appendix A, for formula for calculating discharge capacity.

(b) When a safety relief valve is used in combination with a breaking pin device, the breaking pin device shall be designed to fail at a pressure of 75 percent of the tank test pressure and safety relief valve shall be set for a start-to-discharge pressure of 71 percent of the tank test pressure as prescribed in § 179.101.

(c) When a safety relief valve is used in combination with a frangible disc, the frangible disc shall be designed to burst at a pressure of 75 percent of the tank test pressure and the safety relief valve shall be set for a start-to-discharge pressure of 213 p.s.i. on a DOT-105A300-W tank, 360 p.s.i. on a DOT-105A500-W tank, or 284 p.s.i. on DOT-112A400-W and DOT-114A400-W tanks. Provision shall be made to prevent any accumulation of pressure between the frangible disc and safety relief valve.

(K) By amending Table of paragraph (a), in its entirety, in § 179.101-1 to read as follows:

§ 179.101-1 Individual specification requirements.

(a) * * *

DOT specifications	105A100W	105A200F	105A200W	105A300W	105A400W	105A500W	105A600W	105A100ALW
Material (see § 179.100-7)	Steel	Steel	Steel	Steel	Steel	Steel	Steel	Aluminum
Insulation (see § 179.100-4)	Required	Required	Required	Required	Required	Required	Required	Required
Bursting pressure p.s.i. (see § 179.100-5)	500	500	500	750	1000	1250	1500	500
Minimum plate thickness, inches, shell and heads	$\frac{3}{16}$ ¹	$\frac{3}{16}$ ²	$\frac{3}{16}$ ³	$\frac{1}{2}$ ⁴	$\frac{1}{2}$ ⁵	$\frac{1}{2}$ ⁶	$\frac{1}{2}$ ⁷	$\frac{3}{8}$
Test pressure, p.s.i. (see § 179.100-18)	100	See § 179.104	200	300	400	500	600	100
Safety relief valves, p.s.i.: ⁸								
Start-to-discharge pressure	75	150	150	225	300	375	450	75
Start-to-discharge tolerance	± 3.0	± 4.5	± 4.5	± 6.75	± 9.0	± 11.25	± 13.5	± 3.0
Vapor tight (minimum) pressure	60	120	120	180	240	300	360	60
Valve flow rating pressure (maximum p.s.i.)	85	165	165	247.5	330	412.5	495	85
Manway cover, thickness, inches (minimum)	$2\frac{1}{4}$	$2\frac{1}{4}$	$2\frac{1}{4}$	$2\frac{1}{4}$ ⁹	$2\frac{1}{4}$ ⁹	$2\frac{1}{4}$	$2\frac{1}{4}$	$2\frac{1}{4}$ ¹⁰
Special references	179.102-3 179.102-6 179.102-12	179.102-3 179.104	179.102-3 179.102-6	179.102-2 179.102-3 179.102-5 179.102-6 179.102-7 179.102-8 179.102-11 179.102-13	179.102-3	179.102-1 179.102-2 179.102-3 179.102-4 179.102-9 179.102-10	179.102-1 179.102-3 179.102-4 179.102-9 179.102-10	179.102-3
Bottom washout	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Bottom outlet	do	do	do	do	do	do	do	Do
	105A200ALW	105A300ALW	109A300W	109A100ALW	109A200ALW	109A300ALW	112A200W	112A340W
Material (see § 179.100-7)	Aluminum	Aluminum	Steel	Aluminum	Aluminum	Aluminum	Steel	Steel
Insulation (see § 179.100-4)	Required	Required	Optional	Optional	Optional	Optional	None ⁴	None ⁴
Bursting pressure p.s.i. (see § 179.100-5)	500	750	750	500	500	750	500	850
Minimum plate thickness, inches, shell and heads	$\frac{5}{8}$	$\frac{5}{8}$	$\frac{1}{2}$ ¹	$\frac{5}{8}$	$\frac{5}{8}$	$\frac{5}{8}$	$\frac{3}{4}$ ²	$\frac{1}{2}$ ¹
Test pressure, p.s.i. (see § 179.100-18)	200	300	300	100	200	300	200	340
Safety relief valves, p.s.i.: ⁸								
Start-to-discharge pressure	150	225	225	75	150	225	150	255
Start-to-discharge tolerance	± 4.5	± 6.75	± 6.75	± 3.0	± 4.5	± 6.75	± 4.5	± 7.65
Vapor tight (minimum) pressure	120	180	180	60	120	180	120	204
Valve flow rating pressure (maximum p.s.i.)	165	247.5	247.5	85	165	247.5	165	280.5
Manway cover, thickness, inches (minimum)	$2\frac{1}{4}$ ²	$2\frac{3}{8}$ ²	$2\frac{1}{4}$	$2\frac{1}{2}$ ²	$2\frac{1}{2}$ ²	$2\frac{3}{8}$ ²	$2\frac{1}{4}$	$2\frac{1}{4}$
Special references	179.102-3	179.102-3					179.102-3 ¹⁰	179.102-3 ¹⁰ 179.102-11
Bottom washout	Prohibited	Prohibited	Optional	Optional	Optional	Optional	Prohibited	Prohibited
Bottom outlet	do	do	Prohibited	Prohibited	Prohibited	Prohibited	do	Do
	112A400W	112A500W	114A340W	114A400W	117A340W	120A300W	112A400F ¹¹	
Material (see § 179.100-7)	Steel	Steel	Steel	Steel	Steel	Steel	Steel	
Insulation (see § 179.100-4)	None ⁴	None ⁴	None ⁴	None ⁴	None ⁴	None ⁴	Required	
Bursting pressure p.s.i. (see § 179.100-5)	1000	1250	850	1000	850	750	750	
Minimum plate thickness, inches, shell and heads	$\frac{1}{2}$ ¹	$\frac{1}{2}$ ¹	$\frac{1}{2}$ ¹	$\frac{1}{2}$ ¹	$\frac{1}{2}$ ¹	$\frac{1}{2}$ ¹	$\frac{1}{2}$ ¹	
Test pressure, p.s.i. (see § 179.100-18)	400	500	340	400	340	300	300	
Safety relief valves, p.s.i.: ⁸								
Start-to-discharge pressure	300	375	255	300	255	225	225	
Start-to-discharge tolerance	± 9.0	± 11.25	± 7.65	± 9.0	± 7.65	± 6.75	± 6.75	
Vapor tight (minimum) pressure	240	300	204	240	204	180	180	
Valve flow rating pressure (maximum p.s.i.)	330	412.5	280.5	330	280.5	247.5	247.5	
Manway cover, thickness, inches (minimum)	$2\frac{1}{4}$	$2\frac{1}{4}$	(7)	(7)	(7)	(7)	(7)	
Special references	179.102-3 ¹⁰ 179.102-6 179.102-11 179.102-13	179.102-3 ¹⁰	179.102-11 179.103	179.102-11 179.102-13 179.103	179.102-11 179.103	179.102-11 179.103	179.102-11 179.103	
Bottom washout	Prohibited	Prohibited	Optional	Optional	Optional	Optional	Optional	Prohibited
Bottom outlet	do	do	do	do	do	do	do	Do

¹ When steel of 65,000 to 81,000 p.s.i. minimum tensile strength is used, the thickness of plates shall be not less than $\frac{3}{8}$ inch, and when steel of 81,000 p.s.i. minimum tensile strength is used, the minimum thickness of plate shall be not less than $\frac{1}{2}$ inch.

² When approved material other than aluminum alloys are used, the thickness shall be not less than $2\frac{1}{4}$ inches.

³ When steel of 65,000 p.s.i. minimum tensile strength is used, minimum thickness of plates shall be not less than $\frac{1}{2}$ inch.

⁴ At least the upper two-thirds of the exterior of the tank, manway nozzle and all appurtenances in contact with this area of the tank shall have a finish coat of white paint.

⁵ For inside diameter of 87 inches or less, the thickness of plates shall be not less than $\frac{1}{2}$ inch.

⁶ See § 179.102 for optional setting for certain commodities.

⁷ See § 179.103-2.

⁸ (Purposely left blank.)

⁹ When the use of nickel is required by the lading, the thickness shall be not less than 2 inches.

¹⁰ Each tank head may be equipped with not more than one opening for use in purging tank interior.

¹¹ Tanks converted to Spec. 112A400F from existing forge-welded Spec. 105A500 tanks by modification using conversion details complying with Spec. 112A400W specification requirements, shall be stenciled by substituting the letter "F" for the letter "W" in the specification designation.

(L) By amending § 179.102 as follows:

§ 179.102 Special commodity requirements for pressure tank car tanks.

(a) In addition to §§ 179.100 and 179.101 the following requirements are applicable:

(1) *Liquefied carbon dioxide*. Refer to § 173.314(c) table and Note 6 of this chapter. All plates for tank, manway nozzle and anchorage of tanks used in the transportation of liquefied carbon dioxide shall be made of carbon steel complying with ASTM Specification A-300 (Class 1-63T) flange or firebox quality; using ASTM Specification A-201 Grade A, or ASTM Specification A-212 Grades A and B, or ASTM A-516 Grade 70. Impact test specimens made by the plate manufacturer shall be of the Charpy Keyhole notch type and shall meet impact requirements (in either longitudinal or transverse directions of rolling) of Section W9.00 of AAR Specifications for Tank Cars, Appendix W.

(2) *Chlorine*. Refer to § 173.314(c) table and notes 3 and 12 of this chapter. Tanks shall be fabricated from carbon steel complying with the requirements of § 179.100-7(a) to Specification ASTM A-516-1966 Grade 70 or AAR TC-128-1966, Grade A or B.

(3) *Liquefied flammable gases*. Refer to § 173.314(c) table and Note 4 of this chapter. The interior pipes of the loading and unloading valves, gauging device and sampling valve shall be equipped with excess flow valves of an approved design. The protective housing cover shall be equipped with an approved weatherproof cover over an opening having an unrestricted area at least equal to the total safety relief valve discharge area.

(4) *Vinyl fluoride*. Refer to § 173.314(c) table and Note 17 of this chapter.

(5) *Nitrosyl chloride*. Refer to § 173.314(c) table and Notes 10 and 11 of this chapter.

(6) *Vinyl chloride or vinyl methyl ether, inhibited*. Refer to § 173.314(c) table and Notes 4, 9, and 16 of this chapter. For alternate safety relief valve settings see subparagraph (11) of this paragraph.

(7) *Bromine*. Refer to § 173.252(a) (3) of this chapter.

(8) *Motor fuel antiknock compound*. Refer to § 173.354(a) (4) of this chapter.

(9) *Nitrogen tetroxide or nitrogen tetroxide-nitric oxide mixtures*. Refer to §§ 173.336(a) (4) and 173.338(a) (4) of this chapter.

(10) *Hydrocyanic acid*. Refer to § 173.332(d) of this chapter.

(11) *Liquefied petroleum gas, butadiene, anhydrous ammonia or vinyl chloride*. As an alternate to the safety relief valve settings prescribed in § 179.101-1 safety relief valves may be set to the following pressures provided the total valve discharge capacity is sufficient to prevent building up pressure in the tank in excess of 90 percent of the tank test pressure.

DOT specifications	105A300W 120A300W	112A340W 117A340W	112A400W 114A400W
Safety relief valves, p.s.i.:			
Start-to-discharge pressure...	247.5	280.5	330
Start-to-discharge tolerance...	±7.4	±8.4	±10
Vapor tight pressure (minimum).	196	224	264

(12) *Ethylene oxide*. Refer to § 173.124(a) (5) of this chapter.

(13) *Anhydrous hydrofluoric acid*. Refer to § 173.264(b) (2) of this chapter.

(14) *Hydrogen sulfide*. Spec. 105A 600W tank cars used to transport hydrogen sulfide shall comply with the following special requirements:

(i) No welding or welding repairs are permitted on the tank shell, heads, or manway nozzle after the tank is stress relieved. When such welding is necessary, the tank shall be stress relieved as a unit after welding is completed. Welding after stress relieving is permitted only to external pads which have been welded in place prior to stress relieving.

(ii) Tanks shall be stress relieved at 1,100° F. minimum; stress relief at alternate lower temperatures to AAR Appendix W, W17.02(e) is prohibited.

(iii) Plates for the tank shell, heads and manway shall comply with specifications ASTM A-516, Grade 70; or ASTM A-537, Grade A.

(iv) Manway stud and nut material shall comply with AAR Appendix M, M4.02, modified by heat treatment to the following properties:

Hardness -----	RC 22 maximum.
Tensile strength----	90,000 p.s.i. minimum.
Yield strength-----	75,000 p.s.i. minimum.

(M) By amending the heading of § 179.103; add paragraphs (f), (g), and (h) to § 179.103-1; amend paragraph (a) of § 179.103-2; amend paragraphs (a) and (c) in § 179.103-3; add § 179.103-5 as follows:

§ 179.103 Special requirements for classes 114A, 117A, and 120A tank car tanks.

§ 179.103-1 Type.

(f) Class DOT 114A tank cars are uninsulated tank cars for the transportation of compressed gases as authorized in § 173.314 of this chapter.

(g) Class DOT 117A tank cars are dual service uninsulated tank cars for the transportation of compressed gases as authorized in § 173.314 of this chapter and/or flammable liquids as authorized in § 173.119 of this chapter and shall be stencilled with the name of the lading being transported.

(h) Class DOT 120A tank cars are dual service insulated tank cars for the transportation of compressed gases as authorized in § 173.314 of this chapter and/or flammable liquids as authorized in § 173.119 of this chapter and shall be

stencilled with the name of the lading being transported.

§ 179.103-2 Manway cover.

(a) Manway cover shall be of approved design and may be of the internal self-energizing type.

§ 179.103-3 Venting, loading and unloading valves, measuring and sampling devices.

(a) Venting, loading and unloading valves, measuring and sampling devices, when used, shall be attached to a nozzle or mounting plate or to nozzles or mounting plates on the tank shell or heads.

(c) When tank car is used to transport liquefied flammable gases, the interior pipes of the loading, unloading, and sampling valves shall be equipped with excess flow valves of approved design, except when quick closing internal valves of approved design are used. When the interior pipe of the gauging device provides a means for the passage of lading from the interior to the exterior of the tank, it shall be equipped with an excess flow valve of approved design or with an orifice not exceeding a No. 54 drill size.

§ 179.103-5 Bottom outlets.

(a) In addition to or in lieu of the venting, loading and unloading valves, measuring and sampling devices as prescribed in § 179.103-3, tanks may be equipped with approved bottom outlet valves. If applied, bottom outlet valve shall meet the following requirements:

(1) When external bottom outlet valve without interior pipes is used in liquefied flammable gas service, the valve shall be closed with an internal bolted or self-energizing closure of approved design.

(2) When internal bottom outlet valve is used in liquefied flammable gas service, the outlet of the valve shall be equipped with an excess flow valve of approved design, except when a quick closing internal valve of approved design is used.

(3) Bottom outlet valve shall be equipped with a liquid tight closure at its lower end.

(b) Bottom outlet equipment shall be of approved design and shall meet the following requirements:

(1) The extreme projection of bottom outlet equipment shall be at least 12 inches above top of rail.

(2) Bottom outlet shall be provided with a liquid tight closure at its lower end.

(3) The valve operating mechanism shall be provided with a suitable locking arrangement to insure positive closure during transit.

(4) If outlet nozzle extends 6 inches or more from shell of tank, a breakage groove or its equivalent shall be provided immediately below the lowest part of the valve. Breakage groove, if used, shall consist of a V groove cut (not cast) in the nozzle to depth that will leave thickness of nozzle wall at the root of the V not over one-fourth inch.

(5) The valve body shall be of a thickness which will insure that accidental breakage of the outlet nozzle will occur at or below the V groove, or its equivalent and will not cause distortion of the valve seat or valve.

(N) By amending Subpart D Heading to read as follows:

Subpart D—Specifications for Non-pressure Tank Car Tanks (Classes 103, 104, 111A, and 115A)

(O) By amending the heading of § 179.200-1; amend paragraph (a) of § 179.200-3; amend paragraph (a) of § 179.200-4; amend paragraphs (a), (b), redesignate paragraphs (c), (d), (e), (f), as (d), (e), (f), (g) respectively, add a new paragraph (c) in § 179.200-6; amend entire § 179.200-7; amend paragraph (c) of § 179.200-15; add paragraph (f) in § 179.200-16; amend paragraphs (a) (1), (3), (6), (7), (b), (b) (1), (2), (3), redesignate (b) (5) as (b) (6), add a new paragraph (b) (5) in § 179.200-17; add paragraph (b) to § 179.200-24 as follows:

§ 179.200-1 Tanks built under these specifications shall meet the requirements of §§ 179.200, 179.201 and, when applicable, § 179.202.

§ 179.200-3 Type.

(a) Tanks built under these specifications shall be circular in cross section, with formed heads designed convex outward. When specified in § 179.201-1 tank shall have at least one manway or one expansion dome with manway, and such other external projections as are prescribed herein. When the tank is divided into compartments, each compartment shall be treated as a separate tank.

§ 179.200-4 Insulation.

(a) If insulation is applied, the tank shell and expansion dome when used shall be insulated with an approved material. The entire insulation shall be covered with a metal jacket of a thickness not less than 11 gauge (0.1196 inch) nominal (Manufacturer's Standard Gauge, AISI) and flashed around all openings so as to be weather tight. The exterior surface of a carbon steel tank and the inside surface of a carbon steel jacket shall be given a protective coating, except that protective coating is not required when foam-in-place insulation that adheres to the tank or jacket is applied.

§ 179.200-6 Thickness of plates.

(a) The wall thickness after forming of the tank shell, dome shell, and of 2:1 ellipsoidal heads shall not be less than specified in § 179.201-1, nor that calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where:

d = Inside diameter in inches;
 E = 0.9 welded joint efficiency; except $E=1.0$ for seamless heads;
 P = Minimum required bursting pressure in p.s.i.;
 S = Minimum tensile strength of plate material in p.s.i. as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M-1;
 t = Minimum thickness of plate in inches after forming.

(b) The wall thickness after forming of 3:1 ellipsoidal heads shall not be less than specified in § 179.201-1, nor that calculated by the following formula:

$$t = \frac{Pd}{2SE} \times 1.83$$

where:

d = Inside diameter in inches;
 E = 0.9 welded joint efficiency; except $E=1.0$ for seamless heads;
 P = Minimum required bursting pressure in p.s.i.;
 S = Minimum tensile strength of plate material in p.s.i. as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M-1;
 t = Minimum thickness of plate in inches after forming.

(c) The wall thickness after forming of a dished head shall be not less than specified in § 179.201-1, nor that calculated by the following formula:

$$t = \frac{5PL}{6SE}$$

where:

E = 0.9 welded joint efficiency; except $E=1.0$ for seamless heads;
 L = Main inside radius to which head is dished, measured on concave side in inches;
 P = Minimum required bursting pressure in p.s.i.;
 S = Minimum tensile strength of plate material in p.s.i. as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M-1;
 t = Minimum thickness of plate in inches after forming.

§ 179.200-7 Materials.

(a) Plate material used to fabricate tank shell and, when used, expansion dome or manway nozzle shall be as specified in AAR Specifications for Tank Cars, Appendix M, sections M300, M301, M302, and M304.

(b) All parts and items of construction in contact with the lading shall be made of material compatible with plate material and not subject to rapid deterioration by the lading, or be coated or lined with suitable corrosion resistant material.

(c) All external projections which may be in contact with the lading and all castings, forgings or fabrications used for fittings or attachments to tank and expansion dome, when used, in contact with lading shall be made of material to an approved specification. Use of cast iron is prohibited for class DOT-111A cars.

§ 179.200-15 Closures for manways.

(c) Manway covers shall be of approved cast, forged or fabricated metals. Malleable iron, if used, shall comply with ASTM A-47. Cast iron manway covers shall not be used.

§ 179.200-16 Gauging devices, top loading and unloading devices, venting and air inlet devices.

(f) When top loading and discharge devices, or venting and air inlet devices are installed with exposed piping to a removed location, shutoff valves shall be applied directly to reinforcing pads or nozzles at their communication through the tank shell, and shall be enclosed in a protective housing with provision for a seal. The piping shall include breakage grooves and suitable bracing. Relief valves shall be applied to liquid lines for protection in case lading is trapped. Provision shall be made to insure closure of the valves while the car is in transit.

§ 179.200-17 Bottom outlets.

(1) On newly built and empty cars with truck centers through 60 feet, 6 inches the extreme projection of the bottom outlet equipment shall be at least 12 inches above the top of rail on level track. On cars with truck centers greater than 60 feet, 6 inches the minimum rail clearance shall be in accordance with the graph in Appendix E of the AAR Specifications for Tank Cars. All bottom outlet reducers and closures and their attachments shall be secured to car by at least $\frac{3}{8}$ -inch chain or its equivalent, except that outlet closure plugs may be attached by $\frac{1}{4}$ -inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection to the valve shall be closed by a plug, cap, or approved quick-coupling device.

(3) On cars with center sills a ball valve may be welded to the outside bottom of the tank or mounted on a pad or nozzle with a tongue and groove or male and female flanged attachment, but in no case shall the breakage groove or equivalent extend below the bottom flange of the center sill. On cars without a continuous center sill a ball valve may be welded to the outside bottom of the tank or mounted with a tongue and groove or male and female flanged attachment on a pad attached to the outside bottom of the tank. The mounting pad shall have a maximum thickness of $2\frac{1}{2}$ inches measured on the longitudinal centerline of the tank. The valve operating mechanism when applied shall not extend more than 30 inches transversely from the longitudinal centerline of car and shall be provided with a suitable

locking arrangement to insure positive closure during transit.

(6) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle or valve body of exterior valves, or some fixed attachment thereto, shall be provided with threaded closure arrangement or bolted flange closure arrangement having minimum 1-inch threaded pipe plug or approved quick coupling device. When two piece quick-coupling devices (e.g., adapter and dust cap) are used on bottom outlet extensions, an auxiliary valve shall be applied between the bottom outlet valve and the quick coupling. The quick-coupling closure (dust cap) or outlet nozzle wall shall be fitted with a minimum 1-inch threaded plug. The auxiliary valve may be omitted when the quick-coupling adapter is threaded internally and fitted with a minimum 1-inch plug.

(7) If outlet nozzle extends 6 inches or more from shell of tank a V groove shall be cut (not cast) in the upper part of outlet nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the V not over three-eighths inch for cast iron or one-fourth inch for all other materials. The outlet nozzle on interior valves or the valve body on exterior valves may be steam jacketed, in which case the breakage groove or its equivalent shall be below the steam chamber but above the bottom of center sill construction. If outlet nozzle is not a single piece, or if exterior valves are ap-

plied, provision shall be made for the equivalent of the breakage groove. On cars without continuous center sills, the breakage groove or its equivalent shall not be more than 15 inches below the tank shell.

(b) If indicated in § 179.201-1, tank may be equipped with bottom washout of approved construction. If applied, bottom washout shall be in accordance with the following requirements:

(1) On newly built and empty cars with truck centers through 60 feet, 6 inches the extreme projection of the bottom washout equipment shall be at least 12 inches above the top of rail on level track. On cars with truck centers greater than 60 feet, 6 inches the minimum rail clearance shall be in accordance with the graph in Appendix E of the AAR Specifications for Tank Cars.

(2) Bottom washout shall be of cast, forged, or fabricated metal. If welded to tank, the bottom washout shall be of good weldable quality in conjunction with metal of tank.

(3) If washout nozzle extends 6 inches or more from shell of tank, a V groove shall be cut (not cast) in the upper part of the nozzle at a point immediately below the lowest part of inside closure seat or plug to a depth that will leave wall thickness of nozzle at the root of the V not over three-eighths inch for cast iron or one-fourth inch for all other material. Where nozzle is not a single piece, provisions shall be made for the equivalent of the breakage groove. The nozzle shall be of a thickness

to insure that accidental breakage will occur at or below the V groove or its equivalent. On cars without continuous center sills, the breakage groove or its equivalent shall not be more than 15 inches below the tank shell.

(5) The closure of the washout nozzle must be equipped with a 3/4-inch solid screw plug. Plug must be attached by at least a 1/4-inch chain.

(6) Joints between closures and their seats may be gasketed with suitable material.

§ 179.200-24 Stamping.

(b) On DOT-111A type tank cars, the last numeral of the specification number may be omitted from the stamping; for example, "DOT 111A100".

(P) By amending paragraph (a) table in § 179.201-1 in its entirety; amend paragraph (a) in § 179.201-2; amend paragraph (a), redesignate paragraph (b) as paragraph (c), add new paragraphs (b) and (d) in § 179.201-3; amend paragraph (a) in § 179.201-4; amend paragraph (a) in § 179.201-5; amend paragraph (c) in § 179.201-6; amend paragraph (a), delete paragraphs (b) and (c) in § 179.201-7 as follows:

§ 179.201-1 Individual specifications requirements.

(a) In addition to § 179.200 the individual specification requirements are as follows:

DOT specifications	103A-ALW	103AW	103ALW	103ANW	103BW	103CW	103DW
Material (see § 179.200-7)	A1 Alloy	Steel	A1 Alloy	Nickel	Steel	Alloy steel	Alloy steel.
Insulation (see § 179.200-4)	Optional	Optional	Optional	Optional	Optional	Optional	Optional.
Bursting pressure p.s.i. (see § 179.200-5)	240	240	240	240	240	240	240.
Minimum plate thickness inches:							
Shell (see § 179.200-6)	1/2	179.201-2	1/2	179.201-2	179.201-2	179.201-2	179.201-2.
Heads (see § 179.200-6 and § 179.200-8)	1/2	179.201-2	1/2	179.201-2	179.201-2	179.201-2	179.201-2.
Dome	Required	Required	Required	Required	Required	Required	Required.
Minimum expansion capacity (see § 179.200-14)	1 percent in dome.	1 percent in dome.	2 percent in dome.	1 percent in dome.	1 percent in dome.	1 percent in dome.	2 percent in dome.
Test pressure p.s.i. (see § 179.200-22)	60	60	60	60	60	60	60.
Safety relief devices (see § 179.200-18)	Valve or vent	179.201-7	Valve or vent	179.201-7	Vent	Valve	Valve or vent.
Valve start-to-discharge pressure p.s.i. (±3 p.s.i.)	35	35	35	35	35	35	35.
Valve vapor tight pressure (minimum p.s.i.)	28	28	28	28	28	28	28.
Valve flow rating pressure (maximum p.s.i.)	45	45	45	45	45	45	45.
Vent bursting pressure (maximum p.s.i.)	45	45	45	45	45	45	45.
Gauging devices (see § 179.200-16)	Optional	Optional	Optional	Optional	Optional	Optional	Optional.
Top loading and unloading devices (see § 179.200-16)	Required (valves optional)	Required (valves optional)	do	Required (valves optional)	Required (valves optional)	Required (valves optional)	Do.
Bottom outlet (see § 179.200-17(a))	Prohibited	Prohibited	do	Prohibited	Prohibited	Prohibited	Do.
Bottom washout (see § 179.200-17(b))	Optional	Optional	do	Optional	do	do	Do.
Closure for manway (see § 179.200-15)			179.201-6(a)	179.201-6(d)	179.201-6(b)		179.201-6 (a), (c).
Stress relief (SR) or heat treatment (HT) (see § 179.200-11)	Prohibited	SR	Prohibited	Not required	SR	HT (179.201-5)	HT (179.201-5).
Other requirements					179.201-3	179.201-4	

PROPOSED RULE MAKING

DOT specifications	103EW	103W	104W	111A60ALW1	111A60ALW2	111A60W1 ¹	111A100W1 ¹
Material (see § 179.200-7)	Alloy steel	Steel	Steel	A1 Alloy	A1 Alloy	Steel	Steel
Insulation (see § 179.200-4)	Optional	Optional	Required	Optional	Optional	Optional	Optional
Bursting pressure p.s.i. (see § 179.200-5)	240	240	240	240	240	240	500
Minimum plate thickness inches:							
Shell (see § 179.200-6)	179.201-2	179.201-2	179.201-2	1/2	1/2	1/2	1/2
Heads (see § 179.200-6 and § 179.200-8)	179.201-2	179.201-2	179.201-2	1/2	1/2	1/2	1/2
Dome	Required	Required	Required	None	None	None	None
Minimum expansion capacity (see § 179.200-14)	1 percent in dome	2 percent in dome	2 percent in dome	2 percent in tank	1 percent in tank	2 percent in tank	2 percent in tank
Test pressure p.s.i. (see § 179.200-22)	60	60	60	60	60	60	100
Safety relief devices (see § 179.200-18)	Valve or vent	Valve or vent	Valve or vent	Valve or vent	Valve or vent	Valve or vent	Valve or vent
Valve start-to-discharge pressure p.s.i. (±3 p.s.i.)	35	35	35	35	35	35	75
Valve vapor tight pressure (minimum p.s.i.)	28	28	28	28	28	28	60
Valve flow rating pressure (maximum p.s.i.)	45	45	45	45	45	45	85
Vent bursting pressure (maximum p.s.i.)	45	45	45	45	45	45	75
Gauging devices (see § 179.200-16)	Optional	Optional	Optional	Required	Required	Required	Required
Top loading and unloading devices (see § 179.200-16)	Required (valves optional)	do	do	Optional	Required (valves optional)	Optional	Optional
Bottom outlet (see § 179.200-17(a))	Prohibited	do	do	do	Prohibited	do	Do
Bottom washout (see § 179.200-17(b))	Optional	do	do	do	Optional	do	Do
Closure for manway (see § 179.200-15)	179.201-6(c)	179.201-6(a)	179.201-6(a)	179.201-6(a)	179.201-6(a)	179.201-6(a)	179.201-6(a)
Stress relief (SR) or heat treatment (HT) (see § 179.200-11)	HT (179.201-5)	SR	SR	Prohibited	Prohibited	SR	SR
Other requirements							
	111A60W2	111A60W5	111A60W7	111A100ALW1	111A100ALW2	111A100W2 ¹	111A100W3
Material (see § 179.200-7)	Steel	Steel	Alloy steel	A1 alloy	A1 alloy	Steel	Steel
Insulation (see § 179.200-4)	Optional	Optional	Optional	Optional	Optional	Optional	Required
Bursting pressure p.s.i. (see § 179.200-5)	240	240	240	500	500	500	500
Minimum plate thickness inches:							
Shell (see § 179.200-6)	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Heads (see § 179.200-6 and § 179.200-8)	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Dome	None	None	None	None	None	None	None
Minimum expansion capacity (see § 179.200-14)	1 percent in tank	1 percent in tank	1 percent in tank	2 percent in tank	1 percent in tank	1 percent in tank	2 percent in tank
Test pressure p.s.i. (see § 179.200-22)	60	60	60	100	100	100	100
Safety relief devices (see § 179.200-18)	179.201-7	Vent	Valve or vent	Valve or vent	Valve or vent	179.201-7	Valve or vent
Valve start-to-discharge pressure p.s.i. (±3 p.s.i.)	35	35	35	75	75	75	75
Valve vapor tight pressure (minimum p.s.i.)	28	28	28	60	60	60	60
Valve flow rating pressure (maximum p.s.i.)	45	45	45	85	85	85	85
Vent bursting pressure (maximum p.s.i.)	45	45	45	75	75	75	75
Gauging devices (see § 179.200-16)	Required	Required	Optional	Required	Required	Required	Required
Top loading and unloading devices (see § 179.200-16)	Required (valves optional)	Required (valves optional)	Optional (valves optional)	Optional	Required (valves optional)	Required (valves optional)	Optional (if used, valves required)
Bottom outlet (see § 179.200-17(a))	Prohibited	Prohibited	Prohibited	do	Prohibited	Prohibited	Optional
Bottom washout (see § 179.200-17(b))	Optional	do	do	do	Optional	Optional	Do
Closure for manway (see § 179.200-15)	179.201-6(b)	179.201-6(b)	179.201-6(c)	179.201-6(a)	179.201-6(a)	179.201-6(a)	179.201-6(a)
Stress relief (SR) or heat treatment (HT) (see § 179.200-11)	SR	SR	HT (179.201-5)	Prohibited	Prohibited	SR	SR
Other requirements		179.201-3					
	111A100W4	111A100W5	111A100W6	111A60F1 ¹ 111A100F1 ¹ 111A100F2 ¹	117A340W ²	120A300W ¹	
Material (see § 179.200-7)	Steel	Steel	Alloy steel				
Insulation (see § 179.200-4)	Required (179.201-11)	Optional	Optional				
Bursting pressure p.s.i. (see § 179.200-5)	500	500	500				
Minimum plate thickness inches:							
Shell (see § 179.200-6)	1/2	1/2	1/2				
Heads (see § 179.200-6 and § 179.200-8)	1/2	1/2	1/2				
Dome	None	None	None				
Minimum expansion capacity (see § 179.200-14)	173.314(a)	1 percent in tank	2 percent in tank				
Test pressure p.s.i. (see § 179.200-22)	100	100	100				
Safety relief devices (see § 179.200-18)	Valve	Vent	Valve or vent				
Valve start-to-discharge pressure p.s.i. (±3 p.s.i.)	75	75	75				
Valve vapor tight pressure (minimum p.s.i.)	60	60	60				
Valve flow rating pressure (maximum p.s.i.)	85	85	85				
Vent bursting pressure (maximum p.s.i.)	75	75	75				
Gauging devices (see § 179.200-16)	Required (179.201-9)	Required	Required				
Top loading and unloading devices (see § 179.200-16)	Required (valves required)	Required (valves optional)	Optional (if used, valves required)				
Bottom outlet (see § 179.200-17(a))	Prohibited	Prohibited	Optional				
Bottom washout (see § 179.200-17(b))	do	do	do				
Closure for manway (see § 179.200-15)	179.201-6(a)	179.201-6(b)	179.201-6 (a), (c)				
Stress relief (SR) or heat treatment (HT) (see § 179.200-11)	SR	SR	HT (179.201-5)				
Other requirements	179.201-8, 179.201-10	179.201-3					

¹ Tanks converted to DOT-111A series from existing forge-welded spec. DOT-105A300, 400, or 500 tanks, by modification using conversion details complying with DOT-111A specification requirements, shall be stenciled by substituting the letter "F" for the letter "W" in the specification designation.

² See § 179.101-1(a).

§ 179.201-2 Minimum plate thickness.

(a) The minimum plate thickness after forming shall be as follows:

§ 179.201-3 Lined tanks.

(a) Each tank or each compartment thereof shall be lined with acid resisting rubber or other approved material vulcanized or bonded directly or otherwise attached to the metal tank, to provide a nonporous laminated lining, at least $\frac{3}{32}$ -inch thick, except overall rivets and seams formed by riveted attachments where the lining shall be double thickness. Rubber lining shall overlap at least $\frac{1}{2}$ inches at all edges, which shall be straight and be beveled to an angle of approximately 45°, or butted edges of lining shall be sealed with a 3-inch minimum strip of lining having 45° beveled edges. An additional rubber reinforcing pad at least $4\frac{1}{2}$ feet square and at least $\frac{1}{2}$ -inch thick shall be applied by vulcanizing to the lining on bottom of tank directly under the manway opening. The edges of rubber pad shall be beveled to an angle of approximately 45°. An opening in this pad for sump is permitted. Other approved lining materials shall be at least $\frac{3}{32}$ -inch thick. No lining shall be under tension when applied except due to conformation over rivet heads. Interior of tank shall be free from scale, oxidation, moisture, and all foreign matter during the lining operations.

(b) Before a tank car tank not originally built under pertinent specifications is lined with rubber, or other approved material, a report certifying that the tank and its equipment have been brought into compliance with the tank requirements of DOT Specification 103-B, 103-B-W, or 111A100-W-5 must be furnished by car owner to the party who is to apply the lining. A copy of this report in approved form certifying that tank has been lined in compliance with all requirements of this specification, must be furnished by party lining tank to car owner. Reports of the latest lining application shall be retained by the car owner until the next relining has been accomplished and recorded.

(d) All surfaces of attachments or fittings and their closures, exposed to the lading shall be covered with at least $\frac{1}{8}$ -inch acid-resistant material. Attachments made of metal not affected by the lading need not be acid resistant material covered. Hard rubber or polyvinylchloride may be used for pressure retaining parts of safety vents provided the material is resistant to corrosive or solvent action of the lading in the liquid or gas phase and is suitable for the service temperature.

§ 179.201-4 Material.

(a) Except for protective housing, all fittings, tubes and castings and all projections and their closures shall also meet the requirements specified in AAR Specifications for Tank Cars, Appendix M, Section M3.03(b).

§ 179.201-5 Heat treatment.

(a) All welding of the tank shell and of attachments welded directly thereto shall be heat treated as a unit to remove stresses at the proper temperature to obtain corrosion resistance specified in AAR Specifications for Tank Cars, Appendix M, section M3.03(b), except for commodities not classed as Corrosive Liquids in Part 73 of this chapter, tanks made of ASTM A 240 Type 304L or 316L are not required to be heat treated as a unit to remove stresses, nor to obtain the corrosion resistance specified in AAR Specifications for Tank Cars, Appendix M, section M3.03(b).

§ 179.201-6 Closures for manways.

(c) Manway ring and cover shall be made of the metal specified in AAR Specifications for Tank Cars, Appendix M, section M3.03(b).

§ 179.201-7 Safety relief devices.

(a) Each tank or compartment shall be equipped with a safety vent unless characteristics of the lading require a safety relief valve. These devices shall comply with § 179.200-18.

(Q) By amending § 179.202 in its entirety.

§ 179.202 Special commodity requirements for non-pressure tank car tanks.

(a) In addition to §§ 179.200 and 179.201, the following requirements are applicable.

(1) *Flammable liquids not specifically provided for.* Refer to § 173.119 of this chapter.

(2) *Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, vinyl trichlorosilane, methyl dichlorosilane and trichlorosilane.* Refer to §§ 173.135 and 173.136 of this chapter.

(3) *Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.* Refer to § 173.141 of this chapter.

(4) *Potassium nitrate mixed (fused) with sodium nitrite.* Refer to § 173.183 of this chapter.

(5) *Phosphorus, white or yellow.* Refer to § 173.190 of this chapter.

(6) *Cumene hydroperoxide, diisopropylbenzene hydroperoxide and parameanthane hydroperoxide.* Refer to § 173.224 of this chapter.

(7) *Titanium tetrachloride, anhydrous.* Refer to § 173.247 of this chapter.

(8) *Chloroacetyl chloride.* Refer to § 173.253 of this chapter.

(9) *Hydrochloric (muriatic) acid not over 38 percent strength by weight except acid of 22° Baume strength or other fuming acids.* Refer to § 173.263 of this chapter.

(10) *Hydrogen peroxide solution in water exceeding 52 percent by weight.* Refer to § 173.266 of this chapter.

(11) *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl*

chloride. Refer to § 173.271 of this chapter.

(12) *Sulfuric acid of concentrations 65.25 percent (approximately 1.559 specific gravity) (52° Baume) or greater.* Refer to § 173.272 of this chapter.

(13) *Sulfur trioxide, stabilized.* Refer to § 173.273 of this chapter.

(14) *Anhydrous hydrazine and hydrazine solutions containing 50 percent or less of water.* Refer to § 173.276 of this chapter.

(15) *Formic acid and formic acid solution.* Refer to § 173.289 of this chapter.

(16) *Monochloroacetic acid, liquid.* Refer to § 173.294 of this chapter.

(17) *Benzyl chloride.* Refer to § 173.295 of this chapter.

(18) *Ethylene oxide.* Refer to § 173.124 of this chapter.

(19) *Dimethylhydrazine, unsymmetrical.* Refer to § 173.145 of this chapter.

(20) *Hydrofluoric acid.* Refer to § 173.264(a) (8) of this chapter.

(21) *Nitric acid.* Refer to § 173.268 of this chapter.

(R) By amending Subpart D Heading to read as follows:

Subpart D—Specifications for Non-pressure Tank Car Tanks (Classes 103, 104, 111A, and 115A)

(S) By adding § 179.220 to read as follows:

§ 179.220 General specifications applicable to nonpressure tank car tanks consisting of an inner container supported within an outer shell (class 115A-W).

§ 179.220-1 Tanks built under these specifications shall meet the requirements of §§ 179.220 and 179.221.

§ 179.220-2 Approval.

(a) For procedure for securing approval, see § 179.3.

§ 179.220-3 Type.

(a) Tanks built under these specifications shall consist of an inner container, a support system for the inner container and an outer shell.

(b) The inner container shall be a fusion-welded tank of circular cross section with formed heads designed convex outward and shall have a manway on top of the tank as prescribed herein. When the inner container is divided into compartments, each compartment shall be considered as a separate container.

(c) The outer shell shall be a fusion-welded tank with heads designed convex outward.

§ 179.220-4 Insulation.

(a) The annular space between the inner container and the outer shell shall contain an approved insulation material.

§ 179.220-5 Bursting pressure.

(a) The minimum required bursting pressure of the inner container is listed in § 179.220-1.

§ 179.220-6 Thickness of plates.

(a) The wall thickness after forming of the inner container shell and 2:1 ellipsoidal heads shall be not less than

specified in § 179.221-1, nor that calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where:

d = Inside diameter in inches;

E = 0.9 welded joint efficiency; except $E=1.0$ for seamless heads;

P = Minimum required bursting pressure in p.s.i.;

S = Minimum tensile strength of plate material in p.s.i. as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M-1;

t = Minimum thickness of plate in inches after forming.

(b) The wall thickness after forming of the inner container heads, flanged and dished, shall be not less than specified in Table M-1, nor that calculated by the following formula:

$$t = \frac{5PL}{6SE}$$

where:

E = 0.9 welded joint efficiency; except $E=1.0$ for seamless heads;

L = Main inside radius to which head is dished, measured on concave side in inches;

P = Minimum required bursting pressure in p.s.i.;

S = Minimum tensile strength of plate material in p.s.i. as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M-1;

t = Minimum thickness of plate in inches after forming.

(c) The wall thickness after forming of the cylindrical section and heads of the outer shell shall be not less than seven-sixteenths inch.

(d) See § 179.220-9 for plate thickness requirements for inner container when divided into compartments.

§ 179.220-7 Material.

(a) The plate material used to fabricate the inner container and nozzles shall be as specified in AAR Specifications for Tank Cars, Appendix M, section M3.00.

(b) The plate material used to fabricate outer shell and nozzles shall be as specified in AAR Specifications for Tank Cars, Appendix M, section M3.01.

(c) All appurtenances on the inner container in contact with the lading shall be made of approved material compatible with the plate material of the inner container. These appurtenances shall not be subject to rapid deterioration by the lading, or shall be coated or lined with suitable corrosion resistant material.

§ 179.220-8 Tank heads.

(a) Tank heads of the inner container, inner container compartments and outer shell shall be of approved contour and may be dished or ellipsoidal for pressure on concave side.

(b) Dished heads shall have main inside radius not exceeding 10 feet and inside knuckle radius shall be not less than 3 3/4 inches for steel and alloy steel tanks nor less than 5 inches for aluminum alloy tanks.

(c) Ellipsoidal heads shall be an ellipsoid of revolution in which the

major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 179.220-9 Compartment tanks.

(a) The inner container may be divided into compartments by inserting interior heads, or by fabricating each compartment as a separate container and joining with a cylinder, or by fabricating each compartment as a separate tank without a joining cylinder. Each compartment shall be capable of withstanding, without evidence of yielding or leakage, the required test pressure applied in each compartment separately or in any combination of compartments.

(b) When the inner container is divided into compartments by fabricating each compartment as a separate container and joining with a cylinder, the cylinder shall have a plate thickness not less than that required for the inner container shell and shall be applied to the outside surface of the straight flange portion of container head. The cylinder shall fit the straight flange tightly for a distance of at least two times the plate thickness or 1 inch, whichever is greater and shall be joined to the straight flange by a full fillet weld. Distance from fillet weld seam to container head seam shall be not less than 1 1/2 inches or three times the plate thickness, whichever is greater.

§ 179.220-10 Welding.

(a) All joints shall be fusion-welded in compliance with AAR Specifications for Tank Cars, Appendix W. Welding procedures, welders and fabricators shall be approved.

(b) Radiograph of the outer shell is not a specification requirement.

§ 179.220-11 Stress relieving.

(a) Stress relieving of the inner container is not a specification requirement.

(b) Stress relieving of the cylindrical portions of the outer shell to which the anchorage or draft sills are attached shall comply with AAR Specifications for Tank Cars, Appendix W.

§ 179.220-12 Tank mounting.

(a) See § 179.10.

§ 179.220-13 Inner container manway nozzle and cover.

(a) Inner container manway nozzle shall be of approved design with access opening at least 18 inches inside diameter, or at least 14 inches by 18 inches obround or oval.

(b) Manway covers shall be of approved type. Design shall provide a secure closure of the manway and shall make it impossible to remove cover while tank interior is under pressure.

(c) All joints between manway covers and their seats shall be made tight against leakage of vapor and liquid by use of suitable gaskets.

(d) Manway covers shall be cast forged or fabricated metal complying with § 179.220-7(c).

(e) A seal shall be provided between the inner container manway nozzle and the opening in the outer shell.

§ 179.220-14 Openings in the tanks.

(a) Openings in the inner container and outer shell shall be reinforced in compliance with AAR Specifications for Tank Cars, Appendix E. In determining the required reinforcement area for openings in the outer shell, t shall be one-fourth of an inch.

§ 179.220-15 Support system for inner container.

(a) The inner container shall be supported within the outer shell by a support system of adequate strength and ductility at its operating temperature to support the inner container when filled with liquid lading to any level. The support system shall be designed to support, without yielding, impact loads producing accelerations of the following magnitudes and directions when the inner container is fully loaded so that the car is at its rail load limit, and the car is equipped with a conventional AAR Specification M-901 draft gear:

Longitudinal	7G
Transverse	3G
Vertical	3G

The longitudinal acceleration may be reduced to 3G where a cushioning device of approved design, which has been tested to demonstrate its ability to limit body forces to 400,000 pounds maximum at a 10 miles per hour impact, is used between the coupler and the tank structure. The support system shall be of approved design and such that the inner container is thermally isolated from the outer shell to the best practical extent.

§ 179.220-16 Expansion capacity.

(a) Expansion capacity shall be provided in the shell of the inner container as prescribed in § 179.221-1.

§ 179.220-17 Gauging devices, top loading and unloading devices, venting and air inlet devices.

(a) When installed, these devices shall be of approved design which will prevent interchange with any other fixture, and be tightly closed. Unloading pipes shall be securely anchored within the inner container. Each inner container or compartment thereof may be equipped with one separate air connection.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents these devices including valves, shall be provided with a protective housing except when plug or ball-type valves with operating handles removed are used. Provision shall be made for closing pipe connections of valves.

(c) Inner container may be equipped with a vacuum relief valve of approved design.

(d) When gauging device is required in § 179.221-1, an outage scale visible through manway opening shall be provided. If loading devices are applied to permit tank loading with cover closed, a telltale pipe may be provided. Telltale pipe shall be capable of determining that

required outage is provided. Pipe shall be equipped with 1/4-inch maximum NPT control valve mounted outside tank and enclosed within a housing. Other approved devices may be used in lieu of outage scale or telltale pipe.

(e) Bottom sump, if applied, shall be of cast, fabricated, or forged metal.

§ 179.220-18 Bottom outlets.

(a) Inner container may be equipped with bottom outlet of approved design and an opening provided in the outer shell for access thereto. If applied, bottom outlet shall comply with the following requirements:

(1) On newly built and empty cars with truck centers through 60 feet, 6 inches the extreme projection of the bottom outlet equipment shall be at least 12 inches above the top of rail on level track. On cars with truck centers greater than 60 feet, 6 inches the minimum rail clearance shall be in accordance with the graph in Appendix E of the AAR Specifications for Tank Cars. All bottom outlet reducers and closures and their attachments shall be secured to car by at least 3/4-inch chain or its equivalent, except that outlet closure plugs may be attached by 1/4-inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection to the valve shall be closed by a plug, cap, or approved quick-coupling device.

(2) Bottom outlet shall be provided with a liquid tight closure at its lower end.

(3) The valve and its operating mechanism shall be applied to the outside bottom of the inner container. Valve operating mechanism shall be provided with a suitable locking arrangement to insure positive closure during transit.

(4) Valve outlet nozzle and valve body shall be of cast, fabricated, or forged metal. If welded to inner container, they shall be of good weldable quality in conjunction with metal of tank.

(5) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle or valve body, or some fixed attachment thereto, shall be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1-inch threaded pipe plug.

(6) If outlet nozzle and its closure extends below the bottom of outer shell, a breakage groove or its equivalent shall be applied. If a breakage groove is applied, a V shall be cut (not cast) in the upper part of outlet nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the V not over one-fourth inch. The outlet nozzle or the valve body may be steam jacketed, in which case the breakage groove or its equivalent shall be below the steam chamber.

(7) The valve body shall be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion

of lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the V groove, or its equivalent.

(8) The valve shall have no wings or stem projecting below the V groove or its equivalent. The valve and seat shall be readily accessible or removable for repairs, including grinding.

(b) Inner container may be equipped with bottom washout of approved design. If applied, bottom washout shall comply with the following requirements:

(1) On newly built and empty cars with truck centers through 60 feet, 6 inches the extreme projection of the bottom washout equipment shall be at least 12 inches above the top of rail on level track. On cars with truck centers greater than 60 feet, 6 inches the minimum rail clearance shall be in accordance with the graph in Appendix E of the AAR Specifications for Tank Cars.

(2) Bottom washout shall be of cast, forged or fabricated metals. If welded to inner container, it shall be of good weldable quality in conjunction with metal of tank.

(3) If washout nozzle extends below or the bottom of outer shell, a V groove shall be cut (not cast) in the upper part of the nozzle at a point immediately below the lowest part of inside closure seat or plug to a depth that will leave wall thickness of nozzle at the root of the V not over one-fourth inch. Where nozzle is not a single piece, provision shall be made for the equivalent of the breakage groove. The nozzle shall be of a thickness to insure that accidental breakage will occur at or below the V groove or its equivalent. On cars without continuous center sills, the breakage groove or its equivalent shall not be more than 15 inches below the tank shell.

(4) The closure plug and seat shall be readily accessible or removable for repairs.

(5) The closure of the washout nozzle must be equipped with a 3/4-inch solid plug. Plug must be attached by at least a 1/4-inch chain.

(6) Joints between closures and their seats may be gasketed with suitable material.

§ 179.220-19 Safety-relief devices.

(a) Each inner container or compartment thereof shall be equipped with safety-relief devices of approved design as prescribed in § 179.221-1.

(b) When used, safety relief valves shall be made of metal not subject to rapid deterioration by the lading and mounted on top of inner container. Total valve discharge capacity shall be sufficient to prevent building up of pressure in the inner container to more than 10 psi above start-to-discharge pressure. See AAR Specifications for Tank Cars, Appendix A, for formula for calculating discharge capacity. The start-to-discharge pressures and vapor tight pressures shall comply with § 179.221-1.

(c) Each inner container or compartment thereof used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety-relief valves but if not so equipped, shall have one safety vent at least 1 3/4 inches inside diameter and made of material not subject to rapid deterioration by the lading. Safety vent shall be mounted on top of inner container and be of an approved design which will prevent interchange with fixtures prescribed in § 179.220-17, and closed with a frangible disc of lead or other approved material. Vent bursting pressure shall comply with § 179.221-1. Tanks equipped with vents shall be stenciled "Not For Flammable Liquids."

§ 179.220-20 Reinforcements, when used, and appurtenances not otherwise specified.

(a) All attachments to inner container and outer shell shall be applied by approved means.

§ 179.220-21 Interior heater systems.

(a) For heater systems inside of inner container see § 179.12.

§ 179.220-22 Closure for openings.

(a) All plugs shall be solid, with NPT threads, and shall be of a length which will screw at least six threads inside the face of fitting or tank. Plugs, when inserted from the outside of the outer shell tank heads, shall have the letter "S" at least three-eighth inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

§ 179.220-23 Test of tanks.

(a) Each inner container or compartment thereof shall be tested hydrostatically to the pressure specified in § 179.221-1. The temperature of the pressurizing medium shall not exceed 100° F. during the test. The container shall hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. Safety-relief devices shall not be in place when test is made.

(b) Inner container shall be pressure tested before installation within outer shell. Items which, because of assembly sequence, must be welded to inner container after its installation within outer shell shall have their attachment welds thoroughly inspected by a nondestructive dye penetrant method or its equivalent.

(c) Pressure testing of outer shell is not a specification requirement.

§ 179.220-24 Tests of safety-relief valves.

(a) Each safety-relief valve shall be tested by air or gas for compliance with § 179.221-1 before being put into service.

§ 179.220-25 Stamping.

(a) To certify that the tank complies with all specification requirements each outer shell shall be plainly and permanently stamped in letters and figures at least three-eighths inch high into the

metal near the center of both outside heads as follows:

Example of required stamping	
Specification -----	DOT-115A60W6.
Inner container: -----	Inner container: -----
Material -----	ASTM A 240-316L.
Shell thickness -----	0.167 inch.
Head thickness -----	0.150 inch.
Tank builders -----	ABC.
initials. -----	
Date of original -----	00-000.
test. -----	
Outer shell: -----	Outer shell: -----
Material -----	ASTM A 285-C.
Tank builders -----	WYZ.
initials. -----	
Car assembler (if other -----	DEF.
than inner container -----	
or outer shell build- -----	
er). -----	

§ 179.220-26 Stenciling.

(a) The outer shell, or the jacket if outer shell is insulated shall be stenciled in compliance with AAR Specifications for Tank Cars, Appendix C.

(b) Stenciling shall be applied on both sides of the outer shell or jacket near the center in letters and figures at least 1½ inches high to indicate the safe upper temperature limit, and lower limit, if applicable, for inner tank, insulation and support system.

§ 179.220-27 Certificate of construction.

(a) See § 179.5.

(T) By adding § 179.221 to read as follows:

§ 179.221 Individual specification requirements applicable to tank car tanks consisting of an inner container supported within an outer shell.

§ 179.221-1 Individual specification requirements.

(a) In addition to § 179.220, the individual specification requirements for the inner container are as follows:

Specifications	115A60W1	115A60ALW	115A60W6
Inner container material (see 179.220-7) -----	Steel -----	Al alloy -----	Alloy steel -----
Bursting pressure, p.s.i. (see 179.220-5) -----	240 -----	240 -----	240 -----
Minimum plate thickness, shell and heads inches (see 179.220-6) -----	¼ -----	¾ -----	¾ -----
Minimum expansion capacity (see 179.220-16) -----	2 percent in tank -----	2 percent in tank -----	2 percent in tank -----
Test pressure, p.s.i. (see 179.220-23) -----	60 -----	60 -----	60 -----
Safety-relief devices (see 179.220-19) -----	Valve or vent -----	Valve or vent -----	Valve or vent -----
Valves start-to-discharge pressure, p.s.i. (±3 p.s.i.) -----	35 -----	35 -----	35 -----
Valve vapor tight pressure (minimum, p.s.i.) -----	28 -----	28 -----	28 -----
Valve flow rating pressure (maximum, p.s.i.) -----	45 -----	45 -----	45 -----
Vent rupture pressure (maximum, p.s.i.) -----	45 -----	45 -----	45 -----
Gauging devices (see 179.220-17) -----	Required -----	Required -----	Required -----
Top loading and unloading devices (see 179.220-17) -----	Optional -----	Optional -----	Optional -----

(U) By amending paragraphs (a), (b), and (c) in § 179.300-6; amending the Heading and paragraphs (a) and (b) in § 179.300-7; amending paragraphs (a) and (b) in § 179.300-8; amending paragraph (b) in § 179.300-17 as follows:

§ 179.300-6 Thickness of plates.

(a) For class DOT-110A tanks, the wall thickness after forming of the cylindrical portion of the tank shall not be less than that specified in § 179.301 nor that calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where:

d = Inside diameter in inches;
 E = 1.0 welded joint efficiency;
 P = Minimum required bursting pressure in p.s.i.;
 S = Minimum tensile strength of plate material in p.s.i. as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M-1;
 t = Minimum thickness of plate in inches after forming.

(b) For class DOT-106A tanks, the wall thickness after forming of the cy-

lindrical portion of the tank shall not be less than that specified in § 179.301 and shall be such that at the tank test pressure the maximum fiber stress in the wall of the tank will not exceed 15,750 p.s.i. as calculated by the following formula:

$$s = \frac{p(1.3D^2 + 0.4d^2)}{D^2 - d^2}$$

where:

d = Inside diameter in inches;
 D = Outside diameter in inches;
 p = Tank test pressure in p.s.i.;
 s = Wall stress in p.s.i.

(c) If plates are clad with material having tensile strength at least equal to the base plate, the cladding may be considered a part of the base plate when determining the thickness. If cladding material does not have tensile strength at least equal to the base plate, the base plate alone after forming shall meet the thickness requirements.

§ 179.300-7 Materials.

(a) Carbon steel plate used to fabricate tanks having heads fusion welded to tank shell, shall comply with ASTM Specifications A285, A212, A515, Grade

65 and Grade 70 as specified in AAR Specifications for Tank Cars, Appendix M, section M3.01.

(b) Carbon steel plate material used to fabricate tanks with forge-welded heads shall be open hearth boiler plate of firebox quality with specification ASTM A285-66, Grade A as specified in AAR Specifications for Tank Cars, Appendix M, section M3.01.

§ 179.300-8 Tank heads.

(a) Class DOT-110A tanks shall have fusion-welded heads formed concave to pressure. Heads for fusion welding shall be an ellipsoid of revolution 2:1 ratio of major to minor axis. They shall be one piece, hot formed in one heat so as to provide a straight flange at least 1½ inches long. The wall thickness after forming shall not be less than that calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where:

d = Inside diameter in inches;
 E = 1.0 welded joint efficiency;
 P = Minimum required bursting pressure in p.s.i.;
 S = Minimum tensile strength of plate material in p.s.i. as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M-1;
 t = Minimum thickness of plate in inches after forming.

(b) Class DOT-106A tanks shall have heads formed convex to pressure. Heads for forge welding shall be torispherical with an inside radius not greater than the inside diameter of the shell. They shall be one piece, hot formed in one heat so as to provide a straight flange at least 4 inches long. They shall have snug drive fit into the shell for forge welding. The wall thickness after forming shall be sufficient to meet the test requirements of § 179.300-16 and to provide for adequate threading of openings.

§ 179.300-17 Tests of safety relief devices.

(b) Frangible discs of safety vents shall be tested as prescribed in AAR Specifications for Tank Cars, Appendix A.

(v) By amending paragraph (a) Table in § 179.301 to read as follows:

§ 179.301 Individual specification requirements for multiunit tank car tanks.

(a) * * *

DOT specifications	106A500X	106A800X	110A500W	110A800W	110A1000W
Bursting pressure p.s.i. (see § 179.300-5)	None specified.	None specified.	1250	2000	2500
Minimum thickness shell, inches	1 5/16	1 1/2	1 1/2	1 5/8	1 3/4
Test pressure, p.s.i. (see § 179.300-16)	500	800	500	800	1000
Safety-relief devices p.s.i. (see § 179.300-15)					
Start-to-discharge, or burst maximum	375	600	375	600	750
Vapor-tight, minimum	300	480	300	480	600

(W) By amending paragraph (a) table in § 179.302 to read as follows:

§ 179.302 Special commodity requirements for multiunit tank car tanks.

Commodity	Safety-relief device	Valve protective housing	Miscellaneous
Chlorine trifluoride	Prohibited ¹		
Chloropierin	do. ¹	Gas tight ²	
Hydrofluoric acid	do. ¹	do. ²	
Hydrogen sulfide	do. ¹	(9)	
Methyl mercaptan	do. ¹		
Nitrogen dioxide liquid	do. ¹	Gas tight ²	
Do.	do. ¹	do. ²	
Nitrogen tetroxide liquid	do. ¹	do. ²	
Nitrogen tetroxide nitric oxide mixtures	do. ¹	do. ²	
Nitrosyl chloride	Fusible plugs required.		(9)
Pyroforous liquids, n.o.s.	Valve required.		
Phosgene	Prohibited ¹	Gas tight ²	
Vinyl chloride			(9)
Vinyl methyl ether			(9)
Titanium tetrachloride (anhydrous)	Prohibited ¹		

¹ When safety-relief devices are prohibited, containers may be equipped with solid steel plugs in the safety device openings.

² The detachable protective housing for the loading and unloading valves must withstand tank test pressure without leakage and shall be approved by the Bureau of Explosives.

³ All parts of valves and safety-relief devices in contact with the lading shall be of a metal or other material, suitably treated if necessary, which will not cause formation of any acetylides.

⁴ Tanks for nitrosyl chloride shall be nickel clad.

⁵ Valve outlets must have gastight caps or plugs applied.

(X) By amending Subpart F Heading to read as follows:

Subpart F—Specifications for Liquefied Hydrogen Only or Liquefied Ethylene Only Tank Car Tanks (Class 113A)

(Y) By amending § 179.400 in its entirety.

§ 179.400 General specifications applicable to liquefied hydrogen and liquefied ethylene tank car tanks.

§ 179.400-1 General.

(a) Tanks built under these specifications shall meet the requirements of §§ 179.400 and 179.401.

§ 179.400-2 Approval.

(a) For procedure for securing approval, see § 179.3.

§ 179.400-3 Type.

(a) Tanks built under these specifications shall consist of an inner container suitably supported within an outer shell and forming a part of the railway tank car. The permissible out of roundness of

the cylindrical portion of the inner and outer shell shall be no greater than that permitted in section VIII of the ASME Boiler and Pressure Vessel Code (1965 Edition) paragraph UG-80. The annular space shall contain a suitable insulation. Tanks shall be circular in cross section, with heads designed convex outward. The tank car shall be equipped with piping systems for vapor venting and transfer of lading and with safety relief devices, controls, gauges, and valves prescribed herein for safe operation of the unit in storage, transport and transfer of lading.

§ 179.400-4 Insulation.

(a) The insulation systems shall be such that the total heat transfer from the atmosphere at 90° F. to the lading at the log mean temperature between the maximum temperature at the time of shipment and the lading temperature at the safety valve start-to-discharge pressure does not exceed the value given in § 179.401-1(a). The insulation requirements are based upon a 30-day holding time. The total heat transfer shall include the heat transferred through the insulation, support system and the piping.

(1) The formula used to compute the maximum heat transfer is:

$$q = \frac{(h_2 - h_1) (F.D.) - (v dp/778)}{H.T.}$$

where:

q=heat transfer in B.t.u./day/lb. of water capacity;

h_2 =Enthalpy of liquid at safety valve setting, B.t.u./lb.;

h_1 =Enthalpy of liquid at maximum shipping pressure B.t.u./lb.; 10 p.s.i.g. for DOT-113C60W, 113C-1220W, and 113D60W; 25 p.s.i.g. for 113D120W;

F.D.=Filling density=density of liquid at safety valve setting, lbs./gal. divided by 8.32828;

v=Volume of one pound of water, cu.ft./lb.;

dp=Pressure change from shipping to safety valve setting, p.s.i.;

H.T.=Holding time=30 days.

(b) If the inner vessel is divided into compartments, the total heat transfer shall be calculated for each compartment with adjoining compartments empty and at a temperature of 90° F.

§ 179.400-5 Bursting and buckling pressure.

(a) The inner container minimum required bursting pressure is listed in § 179.401-1(a).

(b) If the insulation system is an evacuated type, the outer container shall be designed to withstand an external pressure of one atmosphere in addition to the loads specified in AAR Specifications for Tank Cars, section AAR.23 and the

loads transferred to the outer container through the support system.

§ 179.400-6 Thickness of plates.

(a) The wall thickness after forming of the inner container shell and heads shall not be less than that specified in § 179.401, nor that calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where:

d=Inside diameter in inches;

E=0.9 welded joint efficiency; except

E=1.0 for seamless heads;

P=Minimum required bursting pressure in p.s.i.g.;

S=Minimum ultimate tensile strength of plate material in p.s.i. as prescribed in § 179.400-7;

t=Minimum thickness of plate in inches after forming.

(a) Alloy steel plate used to fabricate the inner container shell, heads and appurtenances shall comply with ASTM Specification A240 type 304 as specified in AAR Specifications for Tank Cars, Appendix M, section M3.03. The plate material used in tank and attachments shall be suitable for use at minus 423° F. and shall be in the annealed condition prior to fabricating, forming, and fusion welding.

(b) Nine percent nickel alloy steel plate used to fabricate the inner container shell, heads and appurtenances shall comply with ASME Code Case 1308 as specified in AAR Specifications for Tank Cars, Appendix M, section M3.05. The plate material used in tank and attachments shall be suitable for use at minus 175° F., and shall be double normalized and tempered prior to fabricating, forming and fusion welding.

(c) Carbon steel plate used to fabricate outer shell shall be as specified in AAR Specifications for Tank Cars, Appendix M, section M3.01.

§ 179.400-8 Heads of inner container.

(a) Tank heads of the inner container and inner container compartment shall preferably be ellipsoids of revolution in which the major axis shall equal the inside diameter of the shell and the minor axis shall be one-half of the major axis. Formed heads of other approved contours may be used.

§ 179.400-9 Welding inner container.

(a) All joints shall be fusion-welded in compliance with the requirements of the AAR Specifications for Tank Cars, Appendix W, except that the following requirements supersede requirements listed under "Test plates," "Bend test," and "Impact test" of Appendix W.

(b) Test plates: A welded test plate of the dimensions shown in Figure W2 of AAR Specifications for Tank Cars, Appendix W, shall be made for each container using the same weld procedure as used in welding the longitudinal seams of the container. Test plates shall be prepared from material having the same material specification and mill heat numbers as used in the shell or main heads of the inner container.

After welding is completed, the test plate shall be radiographed, and the standards of judgment of weld acceptability as set forth in section W19.00 of AAR Specifications for Tank Cars, Appendix W, shall be followed.

(c) Test specimens: The following test specimens shall be removed from the welded test plate and subjected to tests prescribed below:

(1) *Bend test.* Four transverse bend test specimens shall be removed from the welded test plate transverse to the welded joint of the test plate. The specimens shall be of rectangular cross section 1½ inches wide and the full thickness of the test plate. Weld reinforcements on each side of each test specimen shall be removed flush with the plane of the plate surface. Specimens shall be saw-cut from the test plate. Removal of test specimens from the test plate by means of flame cutting is prohibited. The specimens shall be subjected to a guided bend test, and two transverse face bend tests and two transverse root bend tests shall be performed. A bend test specimen that reveals no cracks or other open defects exceeding one-eighth inch measured in any direction on the convex surface of the specimen shall be considered to have passed the bend test. Cracks occurring on the corners of the specimen during the test shall not be considered as cause for re-

jection, unless there is definite evidence that they are the result of slag inclusions in the weld or other internal defects.

(2) *Impact tests.* Three sets of three impact test specimens shall be saw-cut from the welded test plate. These specimens shall be used for determining the impact properties of the plate material, weld zone and heat-affected zone. Impact test specimens shall be of the Charpy type, keyhole or milled U-notch for the testing of ASTM Specification A-240-63, Type 304 and, milled V-notch for the testing of ASME Code Case 1308-5. The base of the notch shall be normal to the plate surface, and shall conform in all respects to Figure 3 of ASTM Specification E-23-64. Impact test specimens shall be cooled in liquid nitrogen (-320° F.). The apparatus for testing the specimens shall be in accordance with the requirements of ASTM Specification E-23-64. The test piece and handling tongs shall be cooled for a length of time sufficient to reach the temperature of liquid nitrogen. The specimen shall be quickly transferred from the cooling device to the anvil of the testing machine and broken within a time lapse of not more than 6 seconds.

(3) *Impact properties.* The impact properties of each set of impact specimens shall be not less than the values listed below:

Size of specimen	ASTM Spec. A-240-63 Type 304 (keyhole or milled U-notch)		ASME Code Case 1308-5 (milled V-notch)	
	Minimum impact value required for average of each set of 3 specimens	Minimum impact value permitted on 1 specimen only of each set of 3 specimens	Minimum impact value required for average of each set of 3 specimens	Minimum impact value permitted on 1 specimen only of each set of 3 specimens
55 mm x 10 mm x 10 mm	15	10	25	20
55 mm x 10 mm x 7.5 mm	12.5	8.5	21	17
55 mm x 10 mm x 5 mm	10	7	17	14
55 mm x 10 mm x 2.5 mm	5	3.5	8	6

When the average value of the three specimens equals or exceeds the minimum value permitted for a single specimen, and the value for more than one specimen is less than the minimum value required for the average of the three specimens, or when the impact value of one specimen is below the minimum value permitted for a single specimen, a retest of three additional specimens shall be made. The value from each retest specimen shall equal or exceed the minimum value required for the average of three specimens given above. When an erratic result is caused by a defective specimen or there is uncertainty in the test procedure, a retest is authorized.

§ 179.400-10 Stress relieving of inner container.

(a) Stress relieving of the inner container is not a requirement of this specification.

§ 179.400-11 Cleaning interior container.

(a) The interior of the tank and all lines connecting to it shall be thoroughly cleaned suitable for intended lading. Proper precautions shall be taken to

avoid subsequent recontamination of the system after cleaning.

§ 179.400-12 Test of inner container.

(a) After all items to be welded to the inner container have been welded in place, the inner container shall be pressure tested to the test pressure prescribed in § 179.401. The temperature of the pressurizing medium shall not exceed 100° F. during the test. The container shall hold the prescribed pressure for a period of not less than 10 minutes without leakage or evidence of distress. Due regard should be taken of the potential hazard involved in a pneumatic test. After the container has passed the pressure test, the container and piping shall be emptied of all water and purged of all water vapor if water is used for testing.

(b) Caulking of welded joints to stop leaks developed during the foregoing test is prohibited. Repairs to welded joints shall be made as prescribed in § 179.400-9.

§ 179.400-13 Radiography.

(a) All longitudinal and circumferential double-butt, fusion-welded joints of the inner container and outer shell shall be examined throughout their entire

length by the X-ray or gamma-ray method of radiography. The standards of judgment for acceptability of welds examined by radiography shall be in accordance with section W19.00 of AAR Specifications for Tank Cars, Appendix W.

§ 179.400-14 Support system for inner container.

(a) The inner container shall be supported within the outer shell by a support system of adequate strength and ductility at its operating temperature to support the inner container when filled with liquid lading to any level incidental to operation of the complete unit as a railway tank car. The support system shall be designed to be capable of supporting, without yielding, impact loads producing acceleration of the following magnitudes and directions when the inner container is fully loaded, and the car is equipped with a conventional AAR Specification M-901 draft gear:

Longitudinal	7G
Transverse	3G
Vertical	3G

The longitudinal acceleration may be reduced to 3G where a cushioning device of approved design, which has been tested to demonstrate its ability to limit body forces to 400,000 pounds maximum at 10 miles per hour, is used between the coupler and the tank structure. The support system shall be of an approved design and such that the inner container shall be thermally isolated from the outer shell to the best practical extent.

§ 179.400-15 Access to inner container.

(a) The inner container shall be provided with a means of access having a minimum inside diameter of 16 inches and having a welded closure so designed as to allow it to be reopened by grinding or chipping and to be closed again by rewelding without a need for new parts. A cutting torch shall not be used. The closure and the reinforcement of the opening in the container shall be of approved design and made of the same material as is used in the container. Consideration must be given in the design to minimizing contamination of the container and the vacuum space when the closure is opened and closed. The outer shell shall be provided with an access opening of sufficient size (and aligned with the container access opening) to permit removal of the container closure and access into the container. The closure and the reinforcement of the opening in the outer shell shall be of approved design and made of the same material as is used in the outer shell. The closure shall preferably be so designed as to allow it to be reopened by grinding or chipping and to be closed again by rewelding without a need for new parts. A passageway connecting the inner container with the outer shell is not a specification requirement.

§ 179.400-16 Outer shell.

(a) Design. The outer shell shall be designed to withstand an external pressure of 1 atmosphere.

(b) *Thickness of plates.* The wall thickness after forming of steel plates in the cylindrical portion of the outer shell shall be not less than seven-sixteenth inch.

(c) *Material.* Carbon steel plate used to fabricate outer tank shell shall be as specified in AAR Specifications for Tank Cars, Appendix M, section M3.01.

(1) All steel castings, steel forging and steel structural shapes shall be of material to an approved specification.

(2) Rivets, when used, shall be of steel to an approved specification.

(d) *Heads.* The formed heads at each end of the outer shell preferably shall be an ellipsoid of revolution in which the major axis shall equal the inside diameter of the shell and the minor axis shall be one-half of the major axis. Formed heads of other approved contours may be used, but in no case shall the wall thickness after forming be less than seven-sixteenth inch.

(e) *Stiffening rings.* If stiffening rings are used in designing the cylindrical portion of the outer shell for external pressure, they shall be attached to the shell by means of fillet welds on each side of the ring. Outside stiffening ring attachment welds shall be continuous. Inside ring attachment welds may be intermittent. When intermittent welds are used, the total length of welds on each side of the ring shall not be less than one-third of the circumference of the outer shell. Where a closed section is used, it shall be continuously welded on the outside of each leg. A portion of the outer shell may be included when calculating the moment of inertia of the ring. The effective width of shell plate, W , on each side of the attachment of the stiffening ring is given by:

$$W = \frac{0.78}{Rt}$$

where:

W = Width of shell effective on each side of the stiffening ring—Inches;

R = outside radius of the outer shell—Inches;

t = plate thickness of the outer shell—Inches.

Where a stiffening ring is used which consists of a closed section having two webs attached to the outer shell, the shell plate between the webs shall be included up to the limit of twice the value of W defined above. The outer "flange" of the section shall be subject to the same limitation with W based on the R and t of the flange. Where two separate members, such as two angles, are located less than $2W$ apart they may be treated as a single stiffening ring member. (The maximum length of shell plate which may be considered effective is $4W$.)

(1) The cylindrical portion of the outer shell between stiffening rings shall be stiff enough to withstand an external pressure of 37.5 p.s.i.g. (critical collapsing pressure) as determined by the following formula:

$$P_c = \frac{2.6E(t/D)^{2.5}}{L/D - 0.45(t/D)^{0.5}}$$

where:

P_c = Critical collapsing pressure (37.5 p.s.i.g., minimum);

E = Modulus of elasticity of shell material—lb./sq. in.;

t = Minimum thickness of shell material—Inches;

D = Outside diameter of shell—Inches;

L = One-half of the distance from the centerline of the stiffening ring to the next line of support on one side, plus one-half of the centerline distance to the next line of support, if any, on the other side of the stiffening ring, both measured parallel to the axis of the vessel—Inches. (A line of support is: (1) A stiffening ring which meets the requirements of this paragraph, or (2) a circumferential line on a head at one-third the depth of the head from the head tangent line.)

(2) The stiffening ring shall have a moment of inertia large enough to support an external pressure of 37.5 p.s.i.g. as determined by either of the following formulae:

$$I = \frac{0.035D^3LP_c}{E}$$

$$I = \frac{0.046D^3LP_c}{E}$$

I = Required moment of inertia of stiffening ring about centroidal axis parallel to vessel axis—Inches⁴;

I' = Required moment of inertia of combined section of stiffening ring and effective width of shell plate, about centroidal axis parallel to vessel axis—Inches⁴;

P_c = Critical collapsing pressure (37.5 p.s.i.g., minimum);

E = Modulus of elasticity of shell material—lb./sq. in.;

t = Minimum thickness of shell material—Inches;

D = Outside diameter of shell—Inches;

L = One-half of the distance from the centerline of the stiffening ring to the next line of support on one side, plus one-half of the centerline distance to the next line of support, if any, on the other side of the stiffening ring, both measured parallel to the axis of the vessel—Inches. (A line of support is: (1) A stiffening ring which meets the requirements of this paragraph, or (2) a circumferential line on a head at one-third the depth of the head from the head tangent line.)

(3) The permissible out-of-roundness of the cylindrical portion of the outer shell shall be no greater than that permitted in section VIII for out-of-roundness for external pressure of the ASME Boiler and Pressure Vessel Code.

(4) Where loads are applied to the outer shell or to the stiffening rings from the support system used to support the inner container within the outer shell, additional stiffening rings or an increased moment of inertia of stiffening rings designed for the external pressure will have to be provided to carry the support loads.

(f) *Welding.* All joints shall be fusion-welded in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W. Welding procedures, welders and fabricators shall be ap-

proved. No more than two circumferential closing joints in the cylindrical portion of the outer shell, including head to shell joints, shall be single-welded butt joints using a backing strip on the inside of the joint. If the interior of the outer shell is divided into compartments, the compartment heads shall be attached inside the shell by fillet welding.

(g) *Stress relieving.* The cylindrical portion of the outer shell with the exception of the circumferential closing seams shall be stress relieved in accordance with the requirements of section W15.02 of the AAR Specifications for Tank Cars, Appendix W. All items welded to the shell shall be attached before stress relieving. Welds securing the inner container support system to the outer shell which cannot be made before final assembly and the tank heads at each end of the shell need not be stress relieved.

(h) *Tests of outer shell.* Pressure testing of outer shell is not a specification requirement.

§ 179.400-17 Insulation.

(a) The annular space between the inner container and outer shell shall contain an approved insulating system so installed as to insure against excessive settling and the creation of voids in the insulation when the car is in service. The material shall not burn or spark when touched with a glowing platinum wire in an atmosphere of air or lading.

(b) For hydrogen tank car tanks, the insulation shall be such that the total heat transfer from the atmosphere at ambient temperature to the hydrogen atmospheric pressure will not vaporize more than 5.2 pounds of liquefied hydrogen per hour (1,000 standard cubic feet per hour) when the car is stationary.

(c) For ethylene tank car tanks, the insulation shall be such that the total heat transfer from the atmosphere at 90° F. to the ethylene will not cause a rise in pressure to the safety relief valve start-to-discharge pressure as prescribed in § 179.401, for a minimum of 40 days after the car is offered for transport. The temperature of the liquefied ethylene when the car is offered in transportation shall not be warmer than minus 124° F. and the pressure shall not exceed 20 p.s.i.

(d) *Annular space:* The distance between the outside wall of the inner container and the inside wall of the outside shell shall not be less than 2 inches.

§ 179.400-18 Piping, vacuum line, vapor phase line, loading and unloading lines.

(a) *Vacuum lines.* The outer shell shall be provided with fittings to permit effective evacuation of the annular space between the outer shell and inner container.

(b) *Product lines.* The piping systems for vapor and liquid phase transfer and venting shall be made from materials compatible with the product and having satisfactory properties at lading temperature as listed in § 179.401. All valves, gauges, and closures shall be mounted within suitable protective housings. The outlets of all vapor phase and liquid

phase lines shall be so located that accidental discharge from these lines will not impinge on any metal of the outer shell, car structure, trucks or safety appliances.

(c) *Vapor phase line.* Vapor phase line of sufficient size to permit safety devices covered in § 179.400-19(c) (1) and (2) connected to this line to operate at their designed capacity without excessive pressure buildup in the tank shall connect to the inner container. The vapor phase line shall have a manually operated shutoff valve located as close as possible to the outer shell and shall have a closure that is liquid and gas tight. The same line may be used for vapor phase blow down if the safety relief valve is provided with a lever for manual operation.

(d) *Vapor phase blow-down line.* A blow-down line shall be provided and it may be attached to the vapor phase line specified in § 179.400-18(c) and ahead of the shutoff valve in that line. It shall have a manually operated shutoff valve located as close as possible to the outer shell. The outlet from this line shall be outside its housing and positioned so that the discharge will be directed upward and away from operating personnel.

(e) *Pressure building system.* Not a specification requirement. If a pressure building system is provided for the purpose of pressurizing the vapor space of the inner container to facilitate unloading the liquid lading, the system shall be of approved design.

(f) *Loading and unloading line.* A liquid phase transfer line shall be provided and shall have a manually operated shutoff valve located as close as possible to the outer shell. A vapor trap shall be incorporated in the line and shall be located as close as possible to the inner shell.

(1) This line and valve on liquefied hydrogen cars shall be vacuum jacketed.

(2) This line and valve on liquefied ethylene cars shall be insulated.

§ 179.400-19 Safety relief devices.

(a) The tank shall be provided with safety relief devices for the protection of the tank assembly and piping systems. The discharge from these devices shall be directed away from operating personnel, principal load bearing members of the outer shell, car structure, trucks and safety appliances. Vent or weep holes in safety relief devices are prohibited. All main safety relief devices shall discharge to the outside of protective housing in which they are mounted. This provision does not apply to small safety relief valves installed to protect isolated short sections of lines between the final valve and end closure.

(b) *Materials.* Materials used in safety relief devices shall be suitable for use at the temperature of the lading as listed in § 179.401 and otherwise compatible with the lading in the liquid or vapor phase.

(c) *Inner container.* Safety relief devices for the inner container shall be attached to piping connected to the vapor phase of the inner container and

mounted so as to remain at ambient temperature prior to operation. Additional requirements are as follows:

(1) *Safety vent.* The inner container shall be equipped with a safety vent without an intervening shutoff valve and designed to function at a pressure less than the test pressure of the inner container. The safety vent capacity shall be sufficient to limit the pressure within the inner container to not over the test pressure during all conditions of operation, both normal and abnormal, including fire with loss of vacuum, when the insulation space is filled with air or gaseous lading at atmospheric pressure. The discharge shall be directed upward.

(2) *Safety relief valve.* The inner container shall be equipped with a safety relief valve without an intervening shutoff valve and set to start to discharge at a pressure not greater than 75 percent of the test pressure prescribed in § 179.401, less 15 p.s.i. Safety relief valve capacity shall be sufficient to limit the pressure within the inner container to 85 percent of the test pressure, less 15 p.s.i., even air when the insulation space is filled with or gaseous lading at atmospheric pressure (no vacuum) and the outer shell is at 130° F. The minimum size relief valve body shall be ¾-inch IPS. The discharge shall be directed upward. See AAR Specifications for Tank Cars, Appendix A, for formula for calculating discharge capacity.

(3) *Evaporation control.* The routine release of vaporized lading shall be prevented or controlled as follows:

(i) For liquefied hydrogen service, the inner container shall be equipped with an approved device to prevent the discharge of a mixture exceeding 50 percent of the lower flammable limit to the atmosphere under normal conditions of storage and transport of lading. This device shall be set to start at a pressure not greater than 17 p.s.i. and shall have sufficient capacity to limit the pressure within the inner container to 17 p.s.i. when the discharge is equal to twice the normal venting rate during transportation with normal vacuum and the outer shell at 130° F.

(ii) For liquefied ethylene service, the insulation shall be adequate to prevent the lading pressure from increasing to the start-to-discharge pressure of the safety relief valve in less than 40 days. The shipper shall notify the Bureau of Explosives and the Bureau of Railroad Safety, Federal Railroad Administration, whenever a car is not received by the consignee within 20 days from the date of shipment.

(4) *Safety interlock.* Not a specification requirement. If a safety interlock is provided for the purpose of allowing transfer of the lading at a pressure higher than the pressure control device setting but less than the safety relief valve setting, the design shall be such that the safety interlock shall not affect the discharge path of the safety relief valve or safety vent at any time. The safety interlock shall automatically provide an unrestricted discharge path for

the pressure control device at all times when the tank car is in transport service.

(d) *Outer shell.* The outer shell shall be provided with a suitable relief device to prevent buildup of internal pressure in excess of 16 p.s.i. The discharge capacity of the relieving device shall be sufficient to vent pressure accumulating within the annular space. Safety vent, if used, shall be designed to prevent distortion of the frangible disc when the annular space is evacuated.

(e) *Piping system.* Additional safety relief valves shall be installed in each piping circuit where the system can be isolated by closing the shutoff valves so that a dangerous pressure can be built up. These safety relief valves shall be designed to open at a pressure sufficiently low to prevent damage to the component or system affected.

§ 179.400-20 Tests of safety relief valves.

(a) *Control valves.* (1) Manually or gas for compliance with § 179.401 before being put into service.

§ 179.400-21 Control valves and gauges.

(a) *Control valves.* (1) Manually operated shutoff valves and control valves shall be provided wherever needed for control of the vapor phase pressure, vapor phase venting, liquid transfer, and liquid flow rates.

(2) Control valves and shutoff valves shall be designed and constructed to provide positive shutoff, and to provide minimum resistance to flow when open. These valves shall be so constructed that the packing glands and control handles are separated from the valve bodies by a sufficient length of low conductivity material to reduce to minimum the collection of frost on the control handles when low temperature gas or liquid is passing through or in contact with the valve parts.

(3) Control valves and shutoff valves shall be of approved design and fabricated from materials not adversely affected by extended periods of contact with the lading in the liquid or vapor phase, or moist air and water.

(4) Packing, if used in these valves, shall be satisfactory for use in contact with the lading in the liquid or vapor phase and shall be of approved materials which will effectively seal the valve stem without causing difficulty of operation.

(5) Control valves and shutoff valves shall be so installed that they can be readily operated and their control handles will be readily accessible to the operator. These valves shall be so mounted that operation of the valves will not transmit excessive forces to the piping system.

(b) *Gauges.* Instruments necessary to the effective and safe operation of the tank when transporting, transferring or storing the liquid commodities for which the car is designed shall be provided. Instruments, except portable instruments, shall be securely mounted on panels within suitable protective housing and shall include the following:

(1) *Liquid level gauge.* Connections shall be provided for a liquid level gauge

of approved design to indicate the quantity of the lading. The gauge, if not portable shall be mounted in a position where it will be readily visible to an operator during transfer operations or storage. The connection for a portable gauge must be readily accessible.

(2) *Fixed dip tube.* A fixed length dip tube shall be provided with a manually operated shutoff valve located as close as possible to the outer shell and within a suitable housing. It shall be so installed as to indicate the maximum liquid level for the allowable filling density at 1 p.s.i. for hydrogen and at the respective filling pressure, not to exceed 20 p.s.i. for ethylene.

(3) *Vapor phase pressure gauge.* A vapor phase pressure gauge of approved design shall be provided to indicate the vapor pressure within the inner container. The gauges shall be mounted so as to be readily visible to an operator.

(4) *Vacuum gauge.* Connections shall be provided for a vacuum gauge of approved design to indicate the absolute pressure in the annular space between the outer shell and the inner container. The gauge, if not portable, shall be mounted in a position where it will be readily visible to an operator. The connection for a portable gauge shall be readily accessible.

§ 179.400-22 Protective housings.

(a) The protective housings specified for all valves, gauges, and closures shall be designed to protect the enclosed components from direct solar radiation, mud, sand, adverse environmental exposure, and mechanical damage. The housings shall be so designed as to provide reasonable access to the enclosed components for operation, inspection, and maintenance, and so that vapor concentration cannot build up to a dangerous level inside the housings in the event of valve leakage or safety relief valve operation. The closure shall be operable by personnel wearing heavy gloves and shall incorporate provisions for locks or seals.

§ 179.400-23 Operating instructions.

(a) *Identification.* All valves and gauges shall be clearly identified with corrosion-resistant name plates. A plate of corrosion-resistant material bearing directions and precautionary instructions for the safe operation of this equipment during storage and transfer operations shall be securely mounted so as to be readily visible to an operator. This instruction plate shall be mounted in each housing containing operating equipment and controls for product handling. The instructions shall be clear, concise and adequate in the description of the operations to be performed by the operator during storage or transfer operations. These instructions shall include a diagram of the tank and its piping system, with the various gauges, control valves, and safety relief devices clearly identified and located. The operating instructions for the vacuum system may be on a separate plate which is installed only in the housing containing vacuum controls and gauges.

§ 179.400-24 Stamping.

(a) Each tank shall be marked certifying that the tank complies with all requirements of this specification. These marks shall be as follows:

(1) DOT (insert applicable number per § 179.401) in letters and figures at least three-eighths inch high stamped plainly and permanently into the metal near the center of the main head of the outer shell at the "B" end of the car by the tank builder or the party assembling the complete tank unit. This mark must also be stenciled on the outer shell in letters and figures at least 1½ inches high by the party assembling the complete car.

(2) Initials of the builder of the inner container, together with information as to the material used for the shell and heads of the inner container, shell thickness, head thickness and inside diameter of the inner container, shall be stamped in letters and figures at least three-eighths inch high into the metal immediately below the marks specified in § 179.400-24(a) (1).

(3) Initials of builder of the outer shell in letters and figures at least three-eighths inch high stamped plainly and permanently into the metal immediately below the marks specified in § 179.400-24(a) (2).

(4) Date of original test of inner container and initials of party conducting the test in letters and figures at least three-eighths inch high plainly and permanently stamped immediately below the marks specified in § 179.400-24(a) (3). Any marking, stenciling or stamping on the shell or heads of the inner container is prohibited. These markings shall also be stenciled on the outer shell in letters and figures at least 1½ inches high.

(5) Initials of company assembling the complete car in letters and figures at least three-eighths inch high plainly and permanently stamped immediately below the marks specified in § 179.400-24(a) (4).

(4). These marks shall also be stenciled on the outer shell in letters and figures at least 1½ inches high.

(6) In lieu of stamping required in § 179.400-24(a) (1), (2), (3), (4), and (5), the markings specified by these paragraphs may be incorporated on a data plate of corrosion-resistant metal fillet welded in place on the main head of the outer shell of the "B" end of the car.

§ 179.400-25 Stenciling.

(a) The outer shell of the tank shall be stenciled in compliance with the requirements of AAR Specifications for Tank Cars, Appendix C.

(1) Date on which the principal safety relief valves were tested, pressure at which tested, place where tested and initials of party making test shall be stenciled on the outer shell in letters and figures at least 1 inch high.

(2) The date on which the frangible disc was replaced and the initials of the party making the replacement shall be stenciled on the outer shell in letters and figures 1 inch high.

(3) Tank cars of approved design built to this specification are authorized for the transportation of liquefied ethylene only for liquefied hydrogen only. The name of the commodity for which the tank was designed shall be indicated by stenciling the name of the commodity followed by the word "Only" in letters at least 1½ inches high on the outer shell immediately above the marks specified in § 179.400-24(a) (1).

§ 179.400-26 Certificate of construction.

(a) See § 179.5.

(Z) By amending the heading and paragraph (a) table in § 179.401 as follows:

§ 179.401 Individual specification requirements for liquefied hydrogen only or liquefied ethylene only tank car tanks.

(a) * * *

DOT specification	113A60W	113A120W	113A175W
Material (see § 179.400-6) *	Stainless steel	9 percent nickel steel	Stainless steel
Bursting pressure, p.s.i. (see § 179.400-4)	240	300	440
Minimum thickness, inches, shell and head	3/16	3/16	3/16
Test pressure, p.s.i. (see § 179.400-11)	60	120	175
Safety-relief devices:			
Safety vent, maximum bursting pressure, p.s.i.	60	120	175
Tolerance, p.s.i.	+0, -10	+0, -17	+0, -22
Safety-relief valve:			
start-to-discharge	30	75	115
start-to-discharge tolerance	+2.0	+3.0	+4.0
vapor-tight, minimum	24	60	95
Pressure control device start-to-vent, p.s.i. maximum	17		17
Outer shell safety vent, p.s.i. maximum	16	16	16
Liquid temperature, F. minimum	-423	-155	-423

(AA) By amending Subpart G heading to read as follows:

Subpart G—Specifications for High Pressure Tank Car Tanks (Class 107A)

(BB) By amending paragraph (b) in § 179.500-3; amend paragraph (a), and (c) formula in § 179.500-4; amend paragraph (a) in § 179.500-5; amend paragraph (c) in § 179.500-6; amend heading, paragraphs (a), (b) in § 179.500-7; amend paragraph (b) in § 179.500-8;

amend paragraph (a) in § 179.500-10; amend paragraph (c) in § 179.500-12; amend the heading and paragraph (a) (7) in § 179.500-17 to read as follows:

§ 179.500-3 Type and general requirements.

(b) For tanks made in foreign countries, chemical analysis of material and all tests as specified shall be carried out within the limits of the United States under supervision of a competent and disinterested inspector; in addition to

which provisions in § 179.500-18(b) and (c) of this section shall be carried out at the point of manufacture by a recognized inspection bureau with principal office in the United States.

§ 179.500-4 Thickness of wall.

(a) Minimum thickness of wall after forming of each finished tank shall be such that at a pressure equal to seven-tenths of the marked test pressure of the tank, the calculated fiber stress in pounds per square inch at inner wall of tank multiplied by 3.0 will not exceed the tensile strength of any specimen taken from the tank and tested as prescribed in § 179.500-7(b). Minimum wall thickness after forming shall be one-quarter inch.

(c) * * *

d = Maximum inside diameter (inches) for the location under consideration; to be determined by direct measurement to an accuracy of 0.05 inch;

t = Minimum thickness of wall after forming for the location under consideration; to be determined by direct measurement to an accuracy of 0.001 inch.

Take $D = d + 2t$.

Calculate the value of

$$\frac{D^2 - d^2}{D^2 + d^2}$$

§ 179.500-5 Materials.

(a) Steel used to build tank shall be as specified in AAR Specifications for Tank Cars, Appendix M, section M10.00.

§ 179.500-6 Heat treatment.

(c) A magnetic particle inspection shall be performed after heat treatment on all tanks subjected to a quench and temper treatment to detect the presence of quenching cracks. Cracks shall be removed to sound metal by grinding and the surface exposed shall be blended smoothly into the surrounding area. A wall thickness check shall then be made of the affected area by ultrasonic equipment or other suitable means acceptable to the inspector and if the remaining wall thickness is less than the minimum recorded thickness as determined by § 179.500-4(b) it shall be used for making the calculation prescribed in § 179.500-6(b).

§ 179.500-7 Mechanical property tests.

(a) Mechanical property tests shall be made on two tension test specimens prepared in accordance with the dimensional requirements of AAR Specifications for Tank Cars, Appendix W, Figure W3. The specimens shall be taken 180° apart, one from each ring section cut from each end of each forged or drawn tube before necking-down; or one from each prolongation at each end of each necked-down tank. These test specimen ring sections or prolongations shall be heat treated with the necked-down tank which they represent. The width of the test specimen ring section shall equal, at least, its wall thickness. Only when diam-

eters and wall thickness will not permit removal of 0.505 inch by 2 inches gauge length specimens laid in the transverse direction, may specimens cut in the longitudinal direction be substituted. When the thickness will not permit obtaining a 0.505 specimen, then the next largest diameter specimen obtainable in the longitudinal direction shall be used.

(b) Yield strength as determined by extensometer, shall not exceed 70 percent of tensile strength for class I steel or 85 percent of tensile strength for class II and class III steel. Determination shall be made at cross head speed of not more than 0.125 inch per minute with an extensometer reading to 0.0002 inch. The extensometer shall be read at increments of stress not exceeding 5,000 pounds per square inch. The stress at which the strain first exceeds stress

(pounds per square inch)

30,000,000 (pounds per square inch) plus 0.005 (inches per inch) shall be recorded as the yield strength.

(1) Elongation shall be at least 18 percent and reduction of area at least 35 percent.

NOTE 1: Upon approval, the ratio of yield strength to ultimate strength may be raised to permit use of special alloy steels of definite composition that will give equal or better mechanical properties than steels herein specified.

§ 179.500-8 Openings in tanks.

(b) Joints between covers and ends and between cover and attachments shall be of approved design and made tight against vapor or liquid leakage by means of a confined gasket of suitable material.

§ 179.500-10 Protective housing.

(a) Safety-relief devices, and loading and unloading valves on tanks shall be protected from accidental injury by approved metal housing, arranged so it may be readily opened to permit inspection and adjustment of safety-relief devices and valves, and securely locked in closed position. Housing shall be provided with opening having an area equal to twice the net orifice area of safety-relief device enclosed.

§ 179.500-12 Safety-relief devices.

(c) Cars used for the transportation of flammable gases shall have the safety-relief devices equipped with an approved ignition device.

§ 179.500-17 Stamping.

(a) * * *

(7) Name of gas for which tank car is being used, stenciled in letters at least 1½ inches high on each side of car where they are clearly visible.

§§ 179.100-2, 179.200-8, 179.200-14, 179.200-18, 179.200-24, 179.300-9, 179.300-18, 179.500-3, 179.500-17, 179.500-18 [Amended]

(CC) By amending §§ 179.100-20(a); 179.200-8(c), 179.200-14(a), 179.200-18(a)(1), 179.200-24(a); 179.300-9(a), 179.300-18(a)(1); 179.500-3(c)(2), 179.500-17(a)(1), 179.500-18-(c) by substituting "DOT" for "ICC."

§ 179.500-18 [Amended]

(DD) By amending § 179.500-18(c) by substituting "Department of Transportation" for "Interstate Commerce Commission."

[F.R. Doc. 68-13919; Filed, Nov. 20, 1968; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 33 F.R. 326, and amended in 33 F.R. 11147, by amending §§ 107.101 and 107.1001, and by adding new §§ 107.505 and 107.812. Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Office of Investment, Small Business Administration, Washington, D.C. 20416, within a period of thirty (30) days of the date of this notice in the FEDERAL REGISTER.

Information. The proposed amendments to §§ 107.101 and 107.1001 would limit certain real estate and real estate-related investments by Licensees. It is believed that these limitations will permit adequate Licensee assistance to small concerns in these areas, while remedying undesirable overconcentration and speculative or passive real estate investments by Licensees.

The proposed new § 107.812 would specify certain circumstances in which a Licensee may provide funds to finance a change of ownership, including financing to facilitate ownership by disadvantaged persons of small business concerns. The proposed new § 107.505 would allow Licensees to provide increased short-term financing to such disadvantaged small business concerns supplementing the Licensee's long-term financing of such concern.

It is proposed that Part 107 be amended as follows:

1. By amending paragraph (c) of § 107.101 to read as follows:

§ 107.101 Operational requirements.

* * *

(c) *Diversified investment policy.*

Unless specifically authorized in writing by SBA:

(1) *General rule.* A Licensee shall not maintain more than 33½ percent of its portfolio, as of the close of any full fiscal year, in small business concerns classified under any single Major Group of the

Standard Industrial Classification Manual prepared by the Bureau of the Budget.

(2) *Licensees other than Real Estate Specialists.* Where a Licensee does not operate as an approved real estate specialist subject to subparagraph (3) hereof, its investments in small business concerns classified under Major Groups 15, 65, and/or 70 shall not exceed 33½ percent of its portfolio in any one Major Group nor 66½ percent for any combination of such Major Groups, as of the close of any full fiscal year.

(3) *Real Estate Specialists.* Where a Licensee maintains more than 33½ percent of its portfolio in real estate investments pursuant to an investment policy specially approved by SBA, the total of its investments in small business concerns classified under Major Group 15 (Building Construction—General Contractors) and/or Major Group 70 (Hotels, Rooming Houses, Camps, and Other Lodging Places) shall not exceed 20 percent of its portfolio as of the close of any full fiscal year.

(4) *Existing portfolio investments.* A Licensee may retain investments in its portfolio on the effective date of subparagraphs (2) and (3) of this paragraph (not consummated in violation of provisions in effect when made), but shall not undertake further investments in Major Groups 15 or 70 until its portfolio is diversified so that further investments would not cause its portfolio to exceed the limits of this paragraph (c).

(5) *Prepayments.* Prepayments of outstanding financings or similar events oc-

curing beyond the control of the Licensee, within the fiscal year, shall be disregarded for purposes of determining whether the Licensee meets the foregoing requirements as of the close of its fiscal year.

2. By adding new § 107.505 to read as follows:

§ 107.505 Short-term financing to disadvantaged small concerns.

Notwithstanding the provisions of § 107.301(a), a Licensee may provide financing with a term of less than 5 years to a portfolio concern when such financing constitutes a reasonably necessary part of the overall sound financing of such concern pursuant to the Act, and will contribute to a well-balanced national economy by facilitating ownership of small business concerns by persons whose participation in the free enterprise system is hampered because of social and economic disadvantages. This authority shall supplement that available to Licensees under §§ 107.301(d) and 107.504 (b) (2), but the sum of all short-term financing for any purpose and the outstanding amount of Licensee's long-term investment in such concern shall not exceed the 20 percent limit prescribed by § 107.301(c). The relevant particulars bringing such financing within the purview of this section shall be reported to SBA within ten (10) business days of such financing.

3. By adding new § 107.812 to read as follows:

§ 107.812 Financing changes of ownership.

A Licensee may provide funds for the purpose of financing a change of ownership of a small business concern when such change will preserve the existence of the small business concern, or will contribute to a well-balanced national economy by facilitating ownership of small business concerns by persons whose participation in the free enterprise system is hampered because of social and economic disadvantages. The relevant particulars bringing such financing within the purview of this section shall be reported to SBA within ten (10) business days of such financing.

4. By adding a new paragraph (h) to § 107.1001 to read as follows:

§ 107.1001 Prohibited uses of funds.

(h) *Real estate.* A small business concern which is classified under Major Group 65 (Real Estate) of the Standard Industrial Classification Manual issued by the Bureau of the Budget except for (1) subdividers and developers (other than cemetery subdividers and developers), and (2) operative builders: *Provided, however,* That a Licensee may retain any such investment in its portfolio on the effective date of this paragraph (not consummated in violation of provisions in effect when made).

Dated: November 14, 1968.

HOWARD J. SAMUELS,
Administrator.

[F.R. Doc. 68-13985; Filed, Nov. 20, 1968; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-0102703]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 15, 1968.

The Bureau of Reclamation of the Department of the Interior has filed the above application for the withdrawal of the lands described below from all forms of appropriation under the Public Land Laws, including the General Mining Laws but not the Mineral Leasing Laws, subject to valid existing rights.

The applicant desires the land for use in connection with the Fryingpan-Arkansas Reclamation Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 17 S., R. 68 W.,
Sec. 15, S $\frac{1}{2}$.

The above described land aggregates 320.0 acres, more or less.

J. ELLIOTT HALL,
Manager, Colorado Land Office.

[F.R. Doc. 68-13976; Filed, Nov. 20, 1968;
8:45 a.m.]

[Serial No. N-1525]

NEVADA

Notice of Classification of Public Lands for Multiple Use Management

NOVEMBER 15, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described in paragraph 3 below are hereby classified for multiple use management.

2. Publication of this notice has the effect of segregating all of the public lands described in paragraph 3 of this notice from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. Sec. 334) and the lands shall remain open to all other applicable forms of appropriation, including the mining laws and mineral leasing and material sale laws, with the exception contained in paragraph 4. As used in this notice, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The classified public lands are shown on Map No. N-1525 on file in the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev., and the Nevada Land Office, Bureau of Land Management, Federal Building, 300 Booth Street, Reno, Nev.

The lands are generally described as follows:

All public lands in Esmeralda County with the exception contained in paragraph 5 below.

The public lands described above aggregate approximately 1,943,657 acres.

4. As provided in paragraph 2 above, the following lands are segregated from all applicable forms of appropriation, including the general mining laws, but not the Recreation and Public Purposes Act (44 Stat. 741, 68 Stat. 173; 43 U.S.C. 869) or the mineral leasing and material sale laws:

MOUNT DIABLO MERIDIAN, NEVADA

T. 2 S., R. 34 E.,
Sec. 9, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Indian Creek Camp.

T. 6 S., R. 40 E.,
Sec. 7, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Lida Summit.

The area described above aggregates approximately 200 acres.

5. As provided in paragraph 3 above, the following described lands, located in Fish Lake Valley, are not included as part of this classification. These lands will remain open to all applicable forms of appropriation, including the general mining laws:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 3 S., R. 35 E.,
Sec. 22, all, in Nevada;
Sec. 26, all, in Nevada;
Sec. 27, all, in Nevada;
Sec. 35, all, in Nevada;
Sec. 36, all, in Nevada.
T. 5 S., R. 37 E.,
Sec. 4, all, in Nevada;
Sec. 9, lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 10, lots 1 to 6, inclusive, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 14, lots 1 to 5, inclusive, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 15, all, in Nevada;
Sec. 23, all, in Nevada.

MOUNT DIABLO MERIDIAN, NEVADA

T. 1 S., R. 35 E.,
Secs. 4 to 8, inclusive;
Sec. 9, E $\frac{1}{2}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 10, all;
Secs. 14 and 15, inclusive;
Sec. 16, NE $\frac{1}{4}$, W $\frac{1}{2}$;
Secs. 17 to 21, inclusive;
Sec. 22, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 23, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, all;
Sec. 25, E $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 28, N $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 29, N $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 30, N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 31, all;
Sec. 32, all;
Sec. 33, N $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 35, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 36, all.
T. 2 S., R. 35 E.,
Secs. 1 and 2;
Sec. 3, lots 1 and 2, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 4, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Secs. 5 to 12, inclusive;
Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$;
Sec. 14, all;
Sec. 15, E $\frac{1}{2}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Secs. 16 to 20, inclusive;
Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 23, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 25, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 26, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Secs. 29 to 32, inclusive;
Sec. 33, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 35, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 36, all.

T. 3 S., R. 35 E.,
 Sec. 1, all;
 Sec. 2, lots 1, 2, and 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 4, lots 3 and 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Secs. 5 to 8, all;
 Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 11, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Secs. 12 to 13, all;
 Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 16, lot 1, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 17, all;
 Sec. 21, all;
 Sec. 22, lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 24, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 25, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 27, lots 1, 2, 3, and 4, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 36, lots 1, 2, and 3, E $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 Also that portion of T. 3 S., R. 35 E., in Nevada (originally T. 4 S., R. 35 E., in California) unsurveyed.

T. 4 S., R. 35 E.,
 Sec. 1, lots 1, 2, 3, and 4, NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 2, lots 1, 2, and 3;
 Sec. 12, lot 1.

T. 1 S., R. 36 E.,
 Sec. 19, all;
 Sec. 20, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 30, all;
 Sec. 31, all.

T. 2 S., R. 36 E.,
 Secs. 5 and 6;
 Sec. 7, lots 1, 2, 3, and 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 8, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 18, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 3 S., R. 36 E.,
 Secs. 18 to 20, inclusive;
 Sec. 28, all, unsurveyed;
 Secs. 29 to 31, inclusive;
 Secs. 32, E $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 33, all;
 Sec. 34, all, unsurveyed.

T. 4 S., R. 36 E.,
 Sec. 3, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 4, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 5, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 6, lots 1, 2, 3, and 4, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 7, lots 3, 5 through 16, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 8, lots 1, 2, and 3, E $\frac{1}{2}$ E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 9, SW $\frac{1}{4}$;
 Sec. 10, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 15, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 16, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$;
 Sec. 17, all;
 Sec. 18, all;
 Sec. 20, all;
 Sec. 21, all;
 Sec. 22, W $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$;
 Sec. 23, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 26, all;
 Sec. 27, all;
 Sec. 28, all;
 Sec. 35, lots 1, 2, 3, and 4;
 Sec. 36, lots 1 through 6, N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 4 S., R. 37 E.,
 Secs. 31 and 32, inclusive, unsurveyed.
 T. 5 S., R. 37 E.,
 Sec. 4, W $\frac{1}{2}$ W $\frac{1}{2}$, unsurveyed;
 Sec. 5, all, unsurveyed;
 Sec. 6, all, unsurveyed;
 Sec. 8, all, unsurveyed;
 Sec. 9, W $\frac{1}{2}$ W $\frac{1}{2}$, unsurveyed.

The public lands described above aggregate approximately 64,573 acres.

6. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LIM, 721, Washington, D.C. 20240. (43 CFR 2411.1-2(d).)

NOLAN F. KEIL,
 State Director, Nevada.

[F.R. Doc. 68-13977; Filed, Nov. 20, 1968; 8:45 a.m.]

[New Mexico 4871]

NEW MEXICO

Notice of Classification

NOVEMBER 15, 1968.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, for lands within Valencia County, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 3 S., R. 23 E.,
 Sec. 25;
 Sec. 26, N $\frac{1}{2}$.
 T. 4 S., R. 23 E.,
 Sec. 5, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$;
 Secs. 10 and 11;
 Sec. 12, SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$;
 Sec. 17;
 Sec. 18, E $\frac{1}{2}$;
 Sec. 20;
 Sec. 24, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 5 S., R. 23 E.,
 Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, and S $\frac{1}{2}$;
 Sec. 12, N $\frac{1}{2}$.

T. 3 S., R. 24 E.,
 Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$;
 Sec. 20, S $\frac{1}{2}$;
 Sec. 26, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 27, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 28, SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 29, E $\frac{1}{2}$;
 Sec. 30, lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Secs. 33, 34, and 35.

T. 4 S., R. 24 E.,
 Sec. 1, lots 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 3, lots 1, 2, 3, and S $\frac{1}{2}$;
 Sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 7, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 9;
 Sec. 10, W $\frac{1}{2}$ E $\frac{1}{2}$, and W $\frac{1}{2}$;
 Sec. 11, E $\frac{1}{2}$, and E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 14, NE $\frac{1}{4}$;
 Sec. 15, W $\frac{1}{2}$ E $\frac{1}{2}$ and W $\frac{1}{2}$;
 Sec. 17;
 Sec. 18, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 19, NE $\frac{1}{4}$;
 Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, and W $\frac{1}{2}$;
 Sec. 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 27, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 28;
 Sec. 29, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
 Sec. 30, lots 3, 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Sec. 31, lot 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 33, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 34;
 Sec. 35, W $\frac{1}{2}$ W $\frac{1}{2}$.
 T. 5 S., R. 24 E.,
 Sec. 3, lots 1, 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 4, lot 1, S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 5, lots 1, 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 6, lots 1 to 7, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 7, lots 1, 2, NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 10, NW $\frac{1}{4}$.

The areas described aggregate 20,426.49 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

W. J. ANDERSON,
 State Director.

[F.R. Doc. 68-13998; Filed, Nov. 20, 1968; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

FIRST NATIONAL CITY BANK

Notice of Approval of Applicant as Trustee

In F.R. Doc. 66-10040 appearing in the FEDERAL REGISTER issue of September 13, 1966 (31 F.R. 11989), notice was given that the First National City Bank, a national banking association, with offices at 55 Wall Street, New York, N.Y., was approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Notice is hereby given that the First National City Bank, 55 Wall Street, New York, N.Y., survivor as a national banking association incident to merger with The City Bank of New York, National Association, effective as of the close of business on October 31, 1968, was approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: November 15, 1968.

M. I. GOODMAN,
 Chief, Office of Ship Operations.

[F.R. Doc. 68-13999; Filed, Nov. 20, 1968; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

PACIFIC COAST EUROPEAN CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW.,

Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John P. Meade, Graham & James, 1725 De Sales Street NW., Washington, D.C. 20036.

Agreement No. 5200-25, which was filed on October 21, 1968, in compliance with the Commission's order of June 27, 1968, amended Article 15 of the basic agreement of the Pacific Coast European Conference. It was approved by the Commission on November 13, 1968.

Subsequent to its filing, a further amendment to Agreement No. 5200, as amended, was filed on October 28, 1968, and has been numbered 5200-26. It provides for the addition of a final paragraph to Article 15 of the approved agreement, to read, as follows:

The procedures contained in this article conform to the decision in States Marine

Lines, Inc. v. F.M.C., 376 F.2d 230 (D.C. Cir. 1967). The amendment of this article to so conform shall affect self-regulatory procedure only, and shall effect no substantive change in the parties' rights or obligations under this agreement. The amended procedures shall apply to, and the Conference shall be authorized to investigate and prosecute pursuant to these provisions, any alleged breaches brought to its attention at any time after March 8, 1967.

Dated: November 18, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-14000; Filed, Nov. 20, 1968; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI69-205, etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Accepting Contract Amendment and Agreement, Providing for Hearings on and Suspension of Proposed Changes in Rates ¹

NOVEMBER 8, 1968.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

¹ Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI69-205	Pan American Petroleum Corp. (Operator), Post Office Box 1410, Fort Worth, Tex. 76101. Attention: James K. Smith, Esq.	18	13	El Paso Natural Gas Co. (Slaughter Gasoline Plant, Hockley County, Tex.) (R.R. District No. 8).	\$76,980	10-14-68	* 11-14-68	4-14-69	* 14.50	* 16.50	
	do	21	14	El Paso Natural Gas Co. (Levelland Gasoline Plant, Hockley County, Tex.) (R.R. District No. 8).	124,950	10-14-68	* 11-14-68	4-14-69	* 14.21	* 16.17	
	do	23	16	El Paso Natural Gas Co. (South Fullerton Gasoline Plant, Andrews County, Tex.) (R.R. District No. 8).	8,400	10-14-68	* 11-14-68	4-14-69	* 15.19	* 17.29	
	do	313	11	El Paso Natural Gas Co. (Slaughter Gasoline Plant, Hockley County, Tex.) (R.R. District No. 8).	69,740	10-14-68	* 11-14-68	4-14-69	* 14.50	* 16.50	
	do	348	13	El Paso Natural Gas Co. (Levelland Gasoline Plant, Hockley County, Tex.) (R.R. District No. 8).	451	10-14-68	* 11-14-68	4-14-69	* 14.21	* 16.17	
RI69-206	Pan American Petroleum Corp.	110	27	El Paso Natural Gas Co. (Eumont and other fields, Lea County, N. Mex.).	\$3,827 68,662	10-14-68	* 11-14-68	4-14-69	* 13.02 * 14.12	* 15.17 * 16.35	
	do	279	7	Transwestern Pipeline Co. (Crawar Field, Crane County, Tex.) (R.R. District No. 8).	17,507	10-14-68	* 11-14-68	4-14-69	* 14.42	* 16.43	
	do	317	8	El Paso Natural Gas Co. (Bakke Field, Andrews County, Tex.) (R.R. District No. 8).	6,458	10-14-68	* 11-14-68	4-14-69	* 12.81	* 14.97	
	do	423	2	El Paso Natural Gas Co. (Coyanosa Field, Pecos County, Tex.) (R.R. District No. 8).	11,100	10-14-68	* 11-14-68	4-14-69	16.5	* 17.5	
	do	463	4	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (R.R. District No. 8).	20,140	10-14-68	* 11-14-68	4-14-69	* 14.39	* 16.39	
	do	494	3	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex.) (R.R. District No. 8).	16,005	10-14-68	* 11-14-68	4-14-69	* 15.91	* 16.88	
RI69-207	Pan American Petroleum Corp. (Operator) et al.	136	* 24	El Paso Natural Gas Co. (Eumont and other fields, Lea County, N. Mex.).	36,452	10-14-68	* 11-14-68	4-14-69	* 14.18	* 16.40	
	do	220	5	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (R.R. District No. 8).	55,800	10-14-68	* 11-14-68	4-14-69	* 14.39	* 16.39	
	do	438	2	El Paso Natural Gas Co. (Three Bar Field, Andrews County, Tex.) (R.R. District No. 8).	36,330	10-14-68	* 11-14-68	4-14-69	15.19	* 17.29	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
RI69-208...	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	62	14	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.).	5,592	10-11-68	11-11-68	4-11-69	15.26	16.8793	
.....do.....	.....do.....	120	5	El Paso Natural Gas Co. (Spraberry Field, Glasscock County, Tex.) (R.R. District No. 8).	302	10-11-68	11-11-68	4-11-69	14.5	17,2295	
.....do.....	.....do.....	124	8	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (R.R. District 7-C).	504	10-11-68	11-11-68	4-11-69	14.5	18.2430	
.....do.....	.....do.....	132	6	El Paso Natural Gas Co. (Justis Field, Lea County, N. Mex.).	960	10-11-68	11-11-68	4-11-69	14.19	16.8319	
.....do.....	.....do.....	133	8	.....do.....	2,879	10-11-68	11-11-68	4-11-69	14.19	16.8319	
.....do.....	.....do.....	149	12	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.).	952	10-11-68	11-11-68	4-11-69	15.26	16.8793	
.....do.....	.....do.....	1	28	El Paso Natural Gas Co. (Eumont, Jalmat, etc., Fields, Lea County, N. Mex.).	7,599	10-10-68	11-10-68	4-10-69	14.09	16.8793	
.....do.....	.....do.....	4	15	El Paso Natural Gas Co. (Spraberry Field, Reagan and Upton Counties, Tex.) (R.R. District No. 7-C).	22,079	10-10-68	11-10-68	4-10-69	14.5	18.1728	
.....do.....	.....do.....	27	11	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.).	952	10-10-68	11-10-68	4-10-69	15.26	16.8793	
.....do.....	.....do.....	31	13	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.).	31	10-10-68	11-10-68	4-10-69	13.54	16.4223	
.....do.....	.....do.....	55	10	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.).	1,277	10-10-68	11-10-68	4-10-69	14.20	16.8793	
.....do.....	.....do.....	56	15	.....do.....	1,277	10-10-68	11-10-68	4-10-69	14.20	16.8793	
.....do.....	.....do.....	67	6	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (R.R. District No. 8).	4,450	10-11-68	11-11-68	4-11-69	14.39	18.0	
RI69-209...	Amerada Petroleum Corp. (Operator) et al.	57	12	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.).	2,000	10-10-68	11-10-68	4-10-69	14.0	16.4223	
RI69-210...	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001. Attention: Mr. John J. Carter.	302	18	El Paso Natural Gas Co. (Spraberry Area, Midland and Upton Counties, Tex.) (R.R. District Nos. 7-C and 8).	1,911	10-14-68	11-14-68	(Accepted)	14.5	18.243	

¹ The stated effective date is the effective date requested by Respondent.

² Increase from area ceiling rate to a fractured rate. Respondent contractually due 18.1046 cents per Mcf.

³ Pressure base is 14.65 p.s.i.a.

⁴ Previous rate of 18.1046 cents per Mcf, effective subject to refund in Docket No. RI65-112, was reduced to ceiling rate of 14.5 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

⁵ Increase from area ceiling rate to a fractured rate. Respondent contractually due 18.1080 cents per Mcf.

⁶ Previous rate of 18.1080 cents per Mcf, effective subject to refund in Docket No. RI65-112, was reduced to ceiling rate of 14.21 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

⁷ Increase from area ceiling rate to a fractured rate. Respondent contractually due 18.1039 cents per Mcf.

⁸ Previous rate of 18.1039 cents per Mcf, effective subject to refund in Docket No. RI65-112, was reduced to ceiling rate of 15.19 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

⁹ Increase from area ceiling rate to a fractured rate. Respondent contractually due 18.1046 cents per Mcf.

¹⁰ Previous rate of 18.1046 cents per Mcf, effective subject to refund in Docket No. RI65-112, was reduced to ceiling rate of 14.50 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

¹¹ Increase from area ceiling rate to a fractured rate. Respondent contractually due 18.1080 cents per Mcf.

¹² Previous rate of 17.09638 cents per Mcf, effective subject to refund in Docket No. RI65-112, was reduced to ceiling rate of 14.21 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

¹³ Rate increase to 18.1080 cents per Mcf was suspended in Docket No. RI65-117 and not placed into effect (proceeding consolidated in "Order to Show Cause" in Docket Nos. ARI61-1 et al).

¹⁴ Applicable only to residue from spent gas-lift gas covered under Supplement No. 18.

¹⁵ Increase from area ceiling rates to fractured rates. Respondent contractually due 18.8563 cents per Mcf for spent lift gas, 16.8793 cents per Mcf for high pressure gas and 16.4223 cents per Mcf for low pressure gas.

¹⁶ Previous rates of 15.8563 cents per Mcf (for spent lift gas); 16.8793 cents per Mcf (for high pressure gas); and 16.4223 cents per Mcf, which includes 0.4467 cents per Mcf compression charge by buyer for low pressure gas.

¹⁷ Previous rate of 18.1046 cents per Mcf, effective subject to refund in Docket No. RI65-112, was reduced to ceiling rate of 14.50 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

¹⁸ Previous rate of 17 cents per Mcf, effective subject to refund in Docket No. RI64-80, was reduced to ceiling rate of 14.42 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

¹⁹ Rate increase to 18 cents per Mcf, Docket No. RI68-95, was disallowed by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

²⁰ Increase from area ceiling rate to fractured rate. Respondent contractually due 15.2025 cents per Mcf.

²¹ Previous rate of 15.2025 cents per Mcf, effective subject to refund in Docket No. RI65-133, was reduced to ceiling rate of 12.81 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

²² Increase from area ceiling rate to a fractured rate. Respondent contractually due 18 cents per Mcf.

²³ Initial rate of 16 cents per Mcf was reduced to ceiling rate of 14.39 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

²⁴ Increase from area ceiling rate to a fractured rate. Respondent contractually due 17.5 cents per Mcf.

²⁵ Initial rate of 16.5 cents per Mcf was reduced to ceiling rate of 15.91 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

²⁶ Not applicable to low pressure gas-well gas delivered into casinghead gas gathering lines covered under Supplement No. 23.

²⁷ Increase from area ceiling rate to a fractured rate. Respondent contractually due 18.8793 cents per Mcf for high pressure gas and 16.4223 cents per Mcf for low pressure gas.

²⁸ Previous rates of 16.8793 cents per Mcf (for high pressure gas) and 16.4223 cents per Mcf (for low pressure gas), both effective subject to refund in Docket No. RI65-109, were reduced to ceiling rate of 14.18 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

²⁹ Increase from area ceiling rate to a fractured rate. Respondent contractually due 17 cents per Mcf.

³⁰ Previous initial rate of 16 cents per Mcf was reduced to ceiling rate of 14.39 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

³¹ Increase from area ceiling rate to a fractured rate. Respondent contractually due 18 cents per Mcf.

³² Not applicable to acreage added by Supplement No. 12. Effective rate for acreage is the applicable area ceiling rate of 16.8793 cents as authorized in the temporary certificate issued Mar. 15, 1968, in Docket No. G-12133.

³³ Increase from applicable area ceiling rate to contract rate.

³⁴ Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.

³⁵ Previous rate of 16.8793 cents per Mcf, effective subject to refund in Docket No. RI65-20, was reduced to applicable area ceiling rate of 15.26 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

³⁶ The stated effective date is the first day after expiration of the statutory notice.

³⁷ Previous rate of 17.2295 cents per Mcf, effective subject to refund in Docket No. RI62-445, was reduced to applicable area ceiling rate of 14.5 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

³⁸ Previous rate of 18.2430 cents per Mcf, effective subject to refund in Docket No. RI65-11, was reduced to applicable area ceiling rate of 14.5 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

³⁹ Previous rate of 16.8319 cents, effective subject to refund in Docket No. RI65-108, was reduced to applicable area ceiling rate of 14.19 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

⁴⁰ Previous rate of 16.8319 cents per Mcf, effective subject to refund in Docket No. RI67-215, was disallowed by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

⁴¹ Previous rate of 16.8793 cents per Mcf, effective subject to refund in Docket No. RI65-52, was reduced to applicable area ceiling rate of 15.26 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

⁴² High pressure gas.

⁴³ Previous rates of 16.8793 cents for high pressure gas and 16.4223 cents for low pressure gas, effective subject to refund in Docket No. RI65-20, was reduced to applicable area ceiling rate of 14.09 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion No. 468 and 468-A.

⁴⁴ Low pressure gas.

⁴⁵ Previous rate of 18.1728 cents per Mcf, effective subject to refund in Docket No. RI65-20 for all acreage except that added by Supplement No. 14 reduced to 14.5 cents by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A. The effective rate for acreage added by Supplement No. 14 is the applicable area ceiling rate of 14.5 cents as authorized in the temporary certificate issued February 19, 1968, in Docket No. G-4771.

⁴⁶ Previous rate of 18.8793 cents per Mcf, effective subject to refund in Docket No. RI65-20, reduced to applicable area ceiling rate of 15.26 cents by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

⁴⁷ Previous rate of 16.8793 cents per Mcf, effective subject to refund in Docket No. RI65-20 reduced to applicable area ceiling rate of 14.20 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

⁴⁸ Previous rate of 16.8793 cents per Mcf, effective subject to refund in Docket No. RI65-20 reduced to applicable area ceiling rate of 14.20 cents by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

⁴⁹ Old gas-well gas.

⁵⁰ Previous rate of 18 cents per Mcf suspended in Docket No. RI68-292 was disallowed by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

⁵¹ New gas-well gas.

⁵² Previous rates of 16.8793 cents for high pressure gas and 16.4223 cents per Mcf for low pressure gas, effective subject to refund in Docket No. RI65-19 were reduced to applicable area ceiling rate of 14 cents by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

⁵³ Contract Amendment dated June 14, 1962, amends pricing provisions of contract to provide for 1 cent per Mcf periodic increase every 5 years.

⁵⁴ Letter Agreement dated Sept. 19, 1968, deletes price redetermination provisions from amendment dated June 14, 1962 (Supp. No. 18).

⁵⁵ Previous rate of 17.2295 cents per Mcf, effective subject to refund in Docket No. RI65-271, was reduced to ceiling rate of 14.5 cents per Mcf by order issued Aug. 9, 1968, implementing Opinion Nos. 468 and 468-A.

Amerada Petroleum Corp. and Amerada Petroleum Corp. (Operator) et al. (both referred to herein as Amerada), request effective dates of October 8 and 9, 1968, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Amerada's rate filings and such requests are denied.

Ten of Amerada's proposed rate increases reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein shall concern itself with the contractual basis for the rate filings, as well as the statutory lawfulness of Amerada's proposed increased rates and charges.

Concurrently with the filing of its rate increase, Humble Oil & Refining Co. (Humble) submitted a contract amendment dated June 14, 1962,⁷ and a letter agreement dated September 19, 1963,⁸ which provide the basis for its proposed rate increase under such rate schedule. We believe that it would be in the public interest to accept for filing Humble's amendment and letter agreement to become effective on November 14, 1968, the proposed effective date, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable ceiling rates established by the related quality statements previously accepted by the Commission pursuant to Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Humble's contract amendment dated June 14, 1962, and letter agreement dated September 19, 1963, designated as Supplement Nos. 18 and 19 to Humble's FPC Gas Rate Sched-

ule No. 302, as set forth above, and for permitting such supplements to become effective on November 14, 1968, the proposed effective date.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplements referred to in paragraph (1) above).

The Commission orders:

(A) Supplement Nos. 18 and 19 to Humble's FPC Gas Rate Schedule No. 302 are accepted for filing and permitted to become effective on November 14, 1968, the proposed effective date.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before December 30, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-13897; Filed, Nov. 20, 1968; 8:45 a.m.]

[Docket No. CI65-974 etc.]

GEORGE DESPOT ET AL.

Order Conditionally Approving Settlement, Issuing Certificates of Public Convenience and Necessity, Accepting Related Rate Schedules and Supplements Thereto for Filing, and Severing and Terminating Proceedings

NOVEMBER 14, 1968.

George Despot, Agent (Operator) et al., Docket Nos. CI65-974 et al.; Texaco,

Inc., Dockets Nos. CI66-536 and CI66-537.

Texaco, Inc. on July 31, 1968, filed with the Commission a motion for approval of settlement proposal. Texaco is a respondent in the consolidated Despot proceedings and has been engaged in two sales of natural gas to Columbia Gulf Transmission Co. purportedly for compressor station use only. On October 1, 1960, and March 14, 1961, Texaco commenced sales of natural gas to Columbia Gulf Transmission Co. On November 1, 1964, under provisions of the contracts, the sales price escalated to 25.05 cents per Mcf. The gas sold is produced from fields in Vermillion, Iberia, and St. Mary's Parishes, South Louisiana (September 30, 1960, contract) and Terrebonne Parish, South Louisiana (January 30, 1961, contract). The contracts between Texaco and Columbia Gulf contained restrictions similar to those before the Commission in Lo-Vaca Gathering Company, 26 F.P.C. 606 (1961), affirmed, 379 U.S. 366 (1965). Because of the restrictions on the use of the gas by Columbia Gulf, Texaco treated its sales as not subject to Commission jurisdiction. On September 14, 1966, the Commission issued an order to show cause as to why Texaco and other respondents should not be required to apply for, and obtain nunc pro tunc, certificates of public convenience and necessity, authorizing the sales specified in its respective applications, which it has previously made without authorization, and whether initial prices for such sales should not be fixed at the appropriate in-line price prevailing at the date deliveries commenced. Subsequent thereto, Texaco filed the instant motion for approval of settlement proposal and for severance of these proceedings.¹ No party to this proceeding objects to the proposed settlement. With exceptions relating to the method of computing interest on refunds due as specified hereinafter, and the application of just and reasonable rates for Southern Louisiana, the Commission conditionally approves Texaco's motion for settlement of the proceedings in Dockets Nos. CI66-536 and CI66-537.

In orders approving settlement proposals of other producers in the consolidated Despot proceeding, the Commission has approved the use of the Mobil refund formula for settling these proceedings (see Humble settlement order issued Nov. 22, 1967, Docket No. CI66-591). The instant motion of Texaco for settlement conforms to the formula requiring refunds of 62½ percent of any charges in excess of the in-line price between October 23, 1961, and January 18, 1965, and 100 percent of all excess charges collected after January 18, 1965. No refunds are required on volumes sold prior to October 23, 1961. The Mobil formula requires that interest be paid on refunds, less royalties and overriding royalty interest, at 7 percent per year from date of collection until date of the order approving settlement. As to

⁷ Designated as Supplement No. 18 to Humble's FPC Gas Rate Schedule No. 302.

⁸ Designated as Supplement No. 19 to Humble's FPC Gas Rate Schedule No. 302.

¹ Texaco's contracts were filed on Dec. 23, 1965, and have been designated Rate Schedule Nos. 364 and 365.

sums refundable, which are to be retained by respondents pending Commission determination of disposition thereof and which respondents choose to commingle with other corporate funds, the Commission required that interest be paid at the rate of 5½ percent per year from the date of the order issuing certificates to the date of disbursement. Accordingly, Texaco proposed to refund 62½ percent of the excess amounts collected above the applicable 20 cents per Mcf level during the period October 24, 1961, through January 18, 1965, and 100 percent of such excess amounts thereafter. Texaco estimated the principal refund amount, to July 1, 1968, to be approximately \$995,000, with interest thereon of approximately \$160,000. In settlement, Texaco accepts Commission jurisdiction² over these sales and requests issuance of permanent certificates at the applicable initial rate of 20 cents per Mcf. Texaco further agreed to undertake a contingent refund liability in these dockets during the period following the issuance of the Commission's order approving this settlement, based upon the difference between 20 cents per Mcf and any lower judicially upheld applicable rate level ultimately determined by settlement or by other Commission orders in Docket No. AR61-2, down to a refund floor of 18.25 cents per Mcf (15.025 p.s.i.a.) (limited to a 6-month period from the date of the order herein or prior to the date of the applicable order in Docket No. AR61-2).

Texaco proposed to retain the refundable amounts and be accorded the opportunity of depositing the retained refunds to a special escrow account or commingling the retained amounts with its general corporate assets, and if an election is made to commingle the refunds, Texaco will pay interest at the rate of 5½ percent per year from the date of the Commission order to the date such monies are paid to the person ultimately determined to be entitled thereto by final orders of the Commission. The Columbia Gas System, parent company of Columbia Gulf Transmission Co., United Fuel Gas Co., and Atlantic Seaboard Corp., stated that Columbia Gulf and United Fuel are obligated to flow-through the Texaco refunds relating to gas purchases after November 1, 1965 (Stipulation and Agreement, dated Nov. 1, 1966; Order Approving Settlement, Docket Nos. RP65-49, RP66-2, and RP66-22, issued Jan. 26, 1967, and Mar. 7, 1967). With respect to refunds relating to the gas purchases prior to November 1, 1965, Columbia Gas System has stated that its pipeline subsidiaries are under no obligation to flow-through refunds emanating from the

Despot proceeding.³ Of the approximately \$1 million which Texaco is obligated to refund, approximately \$465,000 represents amounts collected prior to November 1, 1965, and would not be subject to presently effective flow-through obligations on each pipeline subsidiary of the Columbia Gas System. Accordingly, Texaco will be required to retain that portion of the refundable amount, including accrued interest, not subject to flow-through obligations, pending further orders of the Commission. With respect thereto, Texaco at its election, may commingle these retained refunds with its general corporate assets or it may deposit these amounts, as finally determined, to a special escrow account in conformity with the provisions of this order.

Issuance of the certificates to Texaco will be conditioned upon the requirement that Texaco pay 7 percent per year interest upon refunds due from the date of the collection of the amounts subject to refunding to the date of issuance of this order.

Subsequent to Texaco's settlement offer of July 31, 1968, in these dockets, the Commission issued Opinion No. 546, determining just and reasonable rates for gas sold by producers in the Southern Louisiana Area. The Opinion sets applicable just and reasonable rates, effective September 25, 1968, at 18.5 cents per Mcf (15.025 p.s.i.a.) for contracts dated prior to January 1, 1961; and 19.5 cents per Mcf for contracts dated between January 1, 1961, and October 1, 1968 (Base Rates for gas subject to Louisiana tax, prior to quality standard adjustments). As the just and reasonable rates are lower than Texaco's charged rate (25.05 cents) and lower than the "in-line" rate (20 cents) proposed as the initial rate, the Commission cannot accept the "in-line" rate of 20 cents per Mcf as Texaco's initial rate for gas sold on and after September 25, 1968. However, as a matter of settlement consistency in the Despot proceedings we are prepared to accept the settlement on the condition that the rate of 20 cents per Mcf (at 15.025 p.s.i.a.) shall be the basic rate for refund purposes for these sales from their initiation to September 25, 1968, as computed by the Mobil formula and that for the period subsequent to September 25, 1968, the just and reasonable rates as determined in Docket No. AR61-2 shall be the basic rate for refund purposes and Texaco will be required to refund 100 percent, plus interest, of any sum collected in excess thereof from September 25, 1968, to the date of this order. The Commission's order will require Texaco to file rate schedule supplements, effective as of the date of issuance of this order, reflecting

conformance with Opinion No. 546 and all subsequent orders in Docket No. AR61-2 from the date of September 25, 1968.

The Commission finds:

(1) The settlement proposal filed by Texaco, Inc. on July 31, 1968, as herein-after conditioned, is in the public interest, and it is appropriate in the administration of the provisions of the Natural Gas Act that it be approved and made effective as hereinafter ordered.

(2) The sales for which Texaco seeks authorization together with the construction and operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, are subject to the requirements of subsection (c) and (e) of section 7 of the Natural Gas Act.

(3) Texaco is able and willing to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales proposed by Texaco together with the construction and the operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, are required by the public convenience and necessity, and as conditioned herein, are in the public interest.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposal filed by Texaco, Inc. on July 31, 1968, as herein conditioned, is approved and made subject to the terms and conditions herein.

(B) Texaco shall refund 62½ percent of the excess amounts collected above 20 cents per Mcf (at 15.025 p.s.i.a.) during the period October 24, 1961, to January 18, 1965, 100 percent of the sums collected in excess of 20 cents per Mcf for the period from January 19, 1965, to September 25, 1968, and 100 percent of the sums collected in excess of the rates prescribed by Opinion No. 546, Docket No. AR61-2 et al., for the period from September 25, 1968, to the effective date of this order.

(C) Texaco shall compute interest due on the above (paragraph B) refundable amounts which it has collected at the rate of 7 percent per year from the date of collection to the date of issuance of this order, less royalty and overriding royalty interest.

(D) Texaco shall, over the signature of a responsible officer, file with the Commission, within 30 days of the date of this order, an original and one copy of its acceptance or rejection of this order and shall serve a copy of the same on the parties to Docket Nos. CI65-974, et al.

(E) Texaco shall file with the Commission, within 60 days after the date of this order, a report setting out the principal amount of refunds, computed in accordance with the terms of this order, together with interest thereon, showing details of computations and shall serve a copy of the report on all parties to the proceedings in Docket Nos. CI65-974

² Settlement of these certificate proceedings is without prejudice to any further determination which the Commission may make with respect to these matters and Texaco has reserved the right to raise the issue of jurisdiction over the instant transactions in the future if it deems it appropriate.

³ Atlantic Seaboard is obligated to flow-through producer refunds related to purchases after May 16, 1965, however, the cut-off date of Columbia Gulf's Stipulation (Nov. 1, 1965) would apparently control flow-through of refunds from Texaco to the ultimate customer.

et al. Texaco's report shall state its election to commingle or escrow retained refunds, pursuant to paragraph (G), and shall contain a statement by the purchaser attesting to the correctness of the refund amounts.

(F) Texaco shall refund to Columbia Gulf the amounts shown in the report required under ordering paragraph (E), related to its sales of natural gas to Columbia Gulf subsequent to November 1, 1965.

(G) Texaco shall retain the amounts shown in the report required under ordering paragraph (E), related to its sales to Columbia Gulf, prior to November 1, 1965, subject to further orders of the Commission directing the disposition of those amounts. If Texaco elects to commingle these retained refunds, computed pursuant to ordering paragraphs (B) and (C), with its general assets and use them for its corporate purposes, it shall pay interest thereon at the rate of 5½ percent per year on all funds thus available from the date of this order to the date on which they are paid over to the person ultimately determined to be entitled thereto by a final order of the Commission. If respondent elects to deposit the retained refunds in a special escrow account, respondent shall tender for filing on or before the date of the filing of the refund report, an executed Escrow Agreement, conditioned as set out below accompanied by a certificate showing service of a copy thereof upon the parties to the proceeding in Docket Nos. CI65-974 et al. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the Escrow Agreement shall be entered into between respondent and any bank or trust company used as a depository for funds of the U.S. Government and the agreement shall be conditioned as follows:

(1) Such respondent, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in a special escrow account, subject to such Agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof or in any form of obligation guaranteed by the United States which is respectively payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its

services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(5) Such bank or trust company shall report to the Secretary of this Commission quarterly, certifying the amount deposited in the trust account for the quarterly period.

(H) Permanent certificates of public convenience and necessity are issued to Texaco upon the conditions herein set forth, authorizing the sales and services proposed.

(I) Each certificate issued to Texaco by paragraph (H) is conditioned upon Texaco's accepting the certificate issued to it in writing and under oath within 30 days of the issuance of this order.

(J) The certificates issued to Texaco by paragraph (H) are conditioned upon the acceptance by Texaco of the modifications of its settlement proposal as provided by the terms of this order.

(K) The certificates issued in paragraph (H) are conditioned so that on and after the date of this order, and until lawfully changed, the price charged by Texaco to Columbia Gulf shall not exceed the rates prescribed by Opinion No. 546, Docket No. AR61-2 et al. Within 30 days of the date of this order, Texaco shall file rate schedule supplements reflecting the conditioned price in lieu of the price currently provided therein, and as to such filing, the requirements of § 154.94(f) of the regulations under the Natural Gas Act are waived and upon compliance, the proposed related rate schedules shall be accepted for filing effective as of the date of this order: *Provided*, That this order is without prejudice to any action which the Commission may hereafter take pursuant to the provisions of sections 4 and 5 of the Natural Gas Act.

(L) Upon full compliance by Texaco with this order, the proceedings in Docket Nos. CI66-536 and CI66-537 shall terminate, and such proceedings upon termination are hereby severed from the consolidated proceedings in Docket No. CI65-974 et al.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-13971; Filed, Nov. 20, 1968;
8:45 a.m.]

[Docket No. CP68-179]

FLORIDA GAS TRANSMISSION CO.

Order Granting Intervention, Prescribing Procedures and Setting Date for Prehearing Conference

NOVEMBER 14, 1968.

Florida Gas Transmission Co. (Florida Gas Transmission) filed, on December 21, 1967, an application pursuant to section 7(c) of the Natural Gas Act for a

certificate of public convenience and necessity authorizing the construction and operation of 10 main line loops of various diameters, two compressor stations, and additional horsepower at other stations in order to increase the system annual average day capacity to deliver gas to Florida markets from approximately 636,000 Mcf to approximately 692,000 Mcf at 14.73 p.s.i.a. at a total estimated cost of \$18 million.

Following the publication of the Commission's notice of Florida Gas Transmission's section 7(c) application, issued January 4, 1968, the parties below filed timely petitions to intervene in this proceeding on the dates indicated:

Petitioners:	Date filed
Sun Oil Co. (Sun)-----	Jan. 12, 1968.
Florida Power Corp. (Florida Power).	Jan. 31, 1968.
City of Gainesville, Fla., and Gainesville Utilities Department, jointly.	Do.
Florida Power & Light Co. (FPL).	Feb. 1, 1968.

None of the interveners object to the construction of the proposed facilities. Sun, Florida Power, and FPL have intervened to assure that the rates provided under Florida Gas' transportation rate schedules will not be affected, and the city of Gainesville, claiming it has not been receiving its fair share of primary interruptible gas from Florida Gas, intervenes because any Commission order in this proceeding allegedly could affect the present and future gas supply available to Gainesville.

It appears that the petitioners in each case have alleged a sufficient interest in the above-captioned application to warrant intervention in this proceeding.

Based upon our experience in other similar proceedings, we shall herein set forth procedures to insure an expeditious and orderly hearing.

The Commission finds:

(1) It is desirable and in the public interest to allow the above named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) The expeditious disposition of these proceedings will be effected by holding a prehearing conference on December 3, 1968.

The Commission orders:

(A) The above-named petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further*, That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to § 2.62(c) of the Commission's rules of practice and procedure, the applicant shall serve copies of its filings upon all interveners promptly, unless such service has already been effected pursuant to Part 157 of the regulations of the Natural Gas Act.

(C) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10 a.m., e.s.t., on December 3, 1968, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426 for the purpose of effectuating the expeditious disposition of this proceeding. The purpose of such conference shall be to consider all matters at issue in the above docket, the manner in which evidence shall be presented, to fix dates for the filing of evidence and the commencement of hearings, and to consider any and all matters which might contribute to an expeditious disposition of this proceeding. The applicant, the Commission Staff, and all persons who have been permitted to intervene by the Commission shall be entitled to participate in that conference.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on a date to be fixed by the presiding examiner in accordance with paragraph (C) above, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-13970; Filed, Nov. 20, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on August 19, 1968.¹

System open market operations until the next meeting of the Committee shall be conducted with a view to facilitating orderly adjustments in money market conditions to reductions in Federal Reserve Bank discount rates: *Provided, however,* That operations shall be modified if bank credit appears to

¹ The Record of Policy Actions of the Committee for the meeting of Aug. 19, 1968, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

be deviating significantly from current projections.

Dated at Washington, D.C., the 13th day of November 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 68-13973; Filed, Nov. 20, 1968; 8:45 a.m.]

CENTRAL BANCORPORATION, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of The Central Bancorporation, Inc., Cincinnati, Ohio, for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of The Central Trust Co., Cincinnati, Ohio, and The Citizens National Bank of Marietta, Marietta, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by The Central Bancorporation, Inc., Cincinnati, Ohio, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of The Central Trust Co., Cincinnati, Ohio, and The Citizens National Bank of Marietta, Marietta, Ohio.

As required by section 3(b) of the Act, the Board notified the Ohio Superintendent of Banks and the Comptroller of the Currency of receipt of the application and requested their views and recommendations. The Superintendent and the Comptroller both recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 7, 1968 (33 F.R. 11189), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Cleveland.

the Federal Reserve Bank of Cleveland pursuant to delegated authority.

Dated at Washington, D.C., this 13th day of November 1968.

By order of the Board of Governors.²

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-13974; Filed, Nov. 20, 1968; 8:45 a.m.]

SOUTHEAST BANCORPORATION, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Southeast Bancorporation, Inc., Miami, Fla., for approval of acquisition of 80 percent or more of the voting shares of First City Bank of Tampa, Tampa, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Southeast Bancorporation, Inc., Miami, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of First City Bank of Tampa, Tampa, Fla.

As required by section 3(b) of the Act, the Board notified the Florida Commissioner of Banking of the application and requested his views and recommendation. The Commissioner advised the Board that he had approved an application relating to the same transaction pursuant to § 659.14 of the Florida Statutes, subject to approval by the Board of Governors.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 5, 1968 (33 F.R. 12596) providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

² Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Malsel, and Sherrill. Absent and not voting: Chairman Martin and Governor Brimmer.

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 13th day of November 1968.

By order of the Board of Governors.²

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-13975; Filed, Nov. 20, 1968;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

NOVEMBER 15, 1968.

The capital stock (66 $\frac{2}{3}$ cents par value) and the 5 $\frac{1}{4}$ percent convertible subordinated debentures due 1969 of BSF Co., being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 16, 1968, through November 25, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-13986; Filed, Nov. 20, 1968;
8:46 a.m.]

[812-2402]

MASSACHUSETTS INVESTORS GROWTH STOCK FUND, INC.

Notice of Filing of Application

NOVEMBER 15, 1968.

Notice is hereby given that Massachusetts Investors Growth Stock Fund, Inc. ("Applicant"), c/o Gaston, Snow, Motley & Holt, 82 Devonshire Street, Boston,

² Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Governor Sherrill.

Mass. 02109, a corporation organized under the laws of the State of Massachusetts, and registered under the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all of the assets of R. D. Britton and Associates, Inc. ("Britton"). Britton, a New York corporation, is a personal holding company all of whose common and preferred stock (the only classes outstanding) are held, in the aggregate, by not more than 25 persons and is exempt from registration under the Act by reason of the provisions of section 3(c) (1) thereof. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Pursuant to an agreement between Applicant and Britton, assets owned by Britton with a value of \$465,360 on October 17, 1968, will be transferred to Applicant in exchange for shares of Applicant's stock. The number of Applicant's shares to be issued to Britton is to be determined by dividing the aggregate market value of the assets of Britton (subject to certain adjustments set forth in the application) to be transferred to Applicant by the Applicant's net asset value per share (as defined in the agreement), both to be determined as of the last business day preceding the closing of the transfer of assets, as provided in the agreement. If the sale of assets transaction described in the agreement had taken place on October 17, 1968, when the asset value per share of Applicant's stock was \$13.01, Britton would have received 35,769 shares of Applicant's stock. When received by Britton, the shares of Applicant are to be distributed to the Britton shareholders on the liquidation of Britton. Applicant presently intends to sell a portion of the assets received from Britton.

Applicant represents that there is no connection between Applicant and Britton and that no officer or shareholder of Britton is affiliated with Applicant. Applicant represents that its management considers the proposed acquisition of substantially all of the assets of Britton in exchange solely for Applicant's shares to be at a fair price, arrived at by arm's-length bargaining.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt a transaction from the provisions of section 22(d) if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the granting of the application is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act and that the proposed acquisition will be beneficial to the shareholders of Applicant for the reasons that:

(1) Those expenses of Applicant which do not rise proportionately with an increase in portfolio size will be spread over a larger number of shares and therefore will amount to a smaller amount per share to the benefit of existing shareholders;

(2) The proposed acquisition will enable Applicant to acquire for its own portfolio at one time substantial additions to its existing portfolio securities without affecting the market in said securities; and

(3) The transfer of securities pursuant to the proposed acquisition will cause Applicant less expense than the purchase of such securities in the open market for the reason that said transfer will not be subject to brokers' commissions.

Notice is further given that any interested person may, not later than December 6, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-13987; Filed, Nov. 20, 1968;
8:46 a.m.]

MOONEY AIRCRAFT, INC.

Order Suspending Trading

NOVEMBER 15, 1968.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock of Mooney Aircraft, Inc. (a Kansas corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 17, 1968, through November 26, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-13988; Filed, Nov. 20, 1968;
8:46 a.m.]

[File No. 1-3468]

MOUNTAIN STATES DEVELOPMENT CO.

Order Suspending Trading

NOVEMBER 15, 1968.

The common stock, 1-cent par value, of Mountain States Development Co. being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mountain States Development Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 16, 1968, through November 25, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-13989; Filed, Nov. 20, 1968;
8:46 a.m.]

[70-4686]

PHILADELPHIA ELECTRIC POWER CO. AND SUSQUEHANNA POWER CO.

Notice of Proposed Increase in Short-Term Note Borrowing

NOVEMBER 15, 1968.

Notice is hereby given that Philadelphia Electric Power Co. ("PEPCo"), 1000 Chestnut Street, Philadelphia, Pa. 19105, a registered holding company and a public-utility subsidiary company of Philadelphia Electric Co., an exempt holding company, and PEPCo's wholly owned subsidiary company, Susquehanna

Power Co. ("SPCo"), a public-utility company, have filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

PEPCo has outstanding \$2.5 million principal amount of unsecured promissory notes issued to banks pursuant to the exemptive provisions of the first sentence of section 6(b) of the Act. PEPCo proposes to issue and sell, from time to time to December 31, 1969, to the banks named below, additional notes so that the aggregate principal amount to be outstanding at any time will not exceed \$8 million. SPCo proposes to issue and sell, from time to time to December 31, 1969, to the banks named below, its promissory notes; the aggregate principal amount to be outstanding at any time will not exceed \$3 million. All the notes will mature not later than 9 months from the respective dates of issue and may be prepaid at any time without premium. The interest rate on the proposed notes will be the prime commercial rate in effect at each bank on the date of issuance.

Although no commitments or agreements for such borrowings have been made, if this declaration is permitted to become effective by the Commission, PEPCo and SPCo expect that, as and to the extent that their cash needs require, borrowing will be effected from among the following banks: Continental Bank & Trust Co., First Pennsylvania Bank, Gerard Trust Bank, Industrial Valley Bank & Trust Co., The Fidelity Bank, and The Philadelphia National Bank. The maximum amounts to be borrowed and outstanding from each such bank by each company will be filed by amendment.

PEPCo proposes to utilize the proceeds of the contemplated borrowings for construction expenditures, for sinking fund payments, and for the purchase of additional shares of common stock of its subsidiary company SPCo, which purchase will be the subject of a future filing with this Commission. SPCo proposes to utilize the proceeds of the contemplated borrowings for intermediate financing of its future improvements.

The declaration states that there are no fees, commissions, or expenses in connection with the proposed transactions and that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 3, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such

request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-13990; Filed, Nov. 20, 1968;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1240]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FOR- WARDER APPLICATIONS

NOVEMBER 15, 1968.

The following applications are governed by Special Rule 1.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such au-

¹ Copies of Special Rule 1.247 (as amended), can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

thority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d) (4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the *FEDERAL REGISTER* issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 808 (Sub-No. 41), filed November 1, 1968. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks*, in initial movements, in driveway and truckaway service, (1) from the plantsite of General Motors Corp. assembly plant in Baltimore, Md., to points in Michigan, Indiana, Kentucky, Illinois, and Wisconsin; (2) from the plantsite of General Motors Corp. at or near Wilmington, Del., to points in Michigan, Illinois, Indiana, and Tennessee; (3) from the plantsite of General Motors Corp. assembly plant in Linden, N.J., to points in Michigan, Illinois, Indiana, and Tennessee; (4) from the plantsite of General Motors Corp. assembly plant in Framingham, Mass., to points in Michigan, Illinois, Indiana, Kentucky, Tennessee, and North Carolina; and (5) from the plantsite of General Motors Corp. assembly plant

in Tarrytown, N.Y., to points in Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, West Virginia, Virginia, and North Carolina; all under contract with General Motors Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 941 (Sub-No. 5), filed October 31, 1968. Applicant: McCRACKEN BROS. MOTOR FREIGHT, INC., 2120 West Seventh Place, Eugene, Oreg. 97401. Applicant's representative: Robert R. Hollis, 1121 Commonwealth Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the American Can Co., located about 2¼ miles of Halsey, Oreg., as an off-route point in connection with carrier's otherwise authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 6078 (Sub-No. 63) (Amendment), filed October 17, 1968, published in the *FEDERAL REGISTER* issue of November 7, 1968, and republished as amended, this issue. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Allentown, Pa. 18103. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural and fabricated steel*, which because of size and weight, requires the use of special equipment, and *structural and fabricated steel and related materials and supplies* which because of size and weight, do not require the use of special equipment, when moving in mixed loads with structural and fabricated steel which, because of size and weight requires the use of special equipment, from the plantsites of The Belmont Iron Works at Eddystone and Roversford, Pa., to points in Connecticut, Rhode Island, Massachusetts, Vermont, Maine, New Hampshire, New York, New Jersey, Delaware, Maryland, Virginia, District of Columbia, Ohio, Pennsylvania, and West Virginia, and returned shipments, on return. NOTE: The purpose of this republication is to reflect a change in the commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 11207 (Sub-No. 278), filed November 1, 1968. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), from the plantsite of The Celetex Corp., Birmingham, Ala., to points in Tennessee. NOTE:

If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Tampa, Fla.

No. MC 11220 (Sub-No. 112) (Correction), filed October 9, 1968, published in *FEDERAL REGISTER* issue of October 31, 1968, and republished as corrected, this issue. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38102. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cullman, Ala., and Jackson, Miss., from Cullman over U.S. Highway 31 and/or Interstate Highway 65 to Birmingham, Ala., thence over U.S. Highway 11 and/or Interstate Highway 59 to Meridian, Miss., thence over U.S. Highway 80 and/or Interstate Highway 20 to Jackson and return over the same route, serving the intermediate point of Meridian, Miss., for purposes of joinder only in connection with carrier's authorized regular route authority, and (2) between junction U.S. Highways 11 and 190 near Slidell, La., and Baton Rouge, La.: From the junction of U.S. Highway 11 and U.S. Highway 190 near Slidell, La., over U.S. Highway 190 to Baton Rouge and return over the same route, serving no intermediate points and serving the junction of U.S. Highways 11 and 190 for purposes of joinder only in connection with carrier's authorized regular route authority. Restriction: Any authority granted as the result of this application is to be restricted to the transportation of traffic moving from, to, or through Cullman, Ala., and is to be further restricted against the handling of any traffic originating at, destined to, or interchanged at Birmingham, Ala., or points in its commercial zone. NOTE: The purpose of this republication is to show exceptions inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 16672 (Sub-No. 8), filed November 4, 1968. Applicant: McGUIRE LUMBER AND SUPPLY, INC., Wylliesburg, Va. 23976. Applicant's representative: Jno. C. Goddin, Post Office Box 1636, Richmond, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and sawdust*, from points in Virginia to Roanoke Rapids, N.C. NOTE: Applicant holds contract authority under MC 119182 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 20802 (Sub-No. 5) (Amendment), filed September 30, 1968, published in the *FEDERAL REGISTER* issue of October 17, 1968, and republished in part, as amended, this issue. Applicant:

WHEELER MOTOR EXPRESS, INCORPORATED, 279 Lake Drive West, Dunkirk, N.Y. 14048. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. The purpose of this partial republication is to reflect a change in Applicant's tacking intentions as follows: "NOTE: Applicant states it intends to tack at Barcelona, Dunkirk, and Gowanda, N.Y., to serve the proposed territory conjunction with applicant's present authority between and including Barcelona and Buffalo, N.Y." The rest of the application remains as previously published.

No. MC 47142 (Sub-No. 98) (Correction), filed October 9, 1968, published in the FEDERAL REGISTER, issue of October 24, 1968, and republished as corrected, this issue. Applicant: C. I. WHITTEN TRANSFER COMPANY, a corporation, Post Office Box 1833, Huntington, W. Va. 25719. Applicant's representative: William T. Croft, 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, blasting supplies, nitrocarboonnitrate, and ammonium nitrate*, between points in Ohio and points in Indiana and Illinois. NOTE: Applicant states it intends to tack at points in Ohio, the authority sought herein, with its presently held authority as applicable in MC 47142 and Subs thereunder where-in it conducts operations in the States of Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, New Jersey, New York, North Carolina, New Hampshire, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia. The purpose of this republication is to include the tacking information above which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 51146 (Sub-No. 99) (Amendment), filed June 26, 1968, published FEDERAL REGISTER issue of July 18, 1968, amended November 8, 1968, and republished as amended, this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Donald F. Martin, 817 McDonald Street, Green Bay, Wis. 54306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and accessories; and material and supplies used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends*, from Faribault, Minn., to points in Wisconsin, Iowa, Upper Peninsula of Michigan, South Dakota, and North Dakota. NOTE: Applicant states that no duplicating authority is sought. The purpose of this republication is to reflect the change of the origin point from Minneapolis-St. Paul, Minn., to Faribault, Minn. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 110), filed October 31, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: Donald F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products produced by manufacturers or converters of paper and paper products, from Addison, Carpentersville, Carol Stream, Elk Grove Village, North Chicago, Chicago, and St. Charles, Ill., to points in Illinois, Iowa, Minnesota, Upper Peninsula of Michigan, and Wisconsin*, and (2) *returned and rejected, damaged shipments and materials, equipment and supplies, used in the manufacture and distribution of the above-described commodities from the above-destination area to the above-named origins*. NOTE: Applicant states the primary purpose of this application is not to allow tacking. This would be done only as an incidental part of operations if the need arises in the future. This could be done under many of applicant's pending and present subs. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52110 (Sub-No. 110) (Correction), filed October 2, 1968, published in FEDERAL REGISTER issue of October 31, 1968, and republished as corrected, this issue. Applicant: BRADY MOTOR-FRATTE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, (1) serving the plantsite of Essex Wire Corp., located in Whitley County, Ind., south of U.S. Highway 30 with entrance from County Road 600E as an off-route point in connection with applicant's present regular route and (2) between the above-mentioned plantsite and the junction of U.S. Highway 30 and County Road 600E (Whitley County, Ind.), over County Road 600E, serving the junction of U.S. Highway 30 and County Road 600 for purposes of joinder only. NOTE: The request for authority in (2) above is made so as to make use of the present alternate route, reading between Chicago, Ill., and Fort Wayne, Ind., a portion of which is over U.S. Highway 30. The purpose of this republication is to show in (2) above, "county road" in lieu of City Road as previously published. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 52460 (Sub-No. 96), filed October 31, 1968. Applicant: HUGH BREEDING, INC., 1420 West 35th Street,

Post Office Box 9515, Tulsa, Okla. 74107. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, (1) from the plantsite and facilities of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, Oklahoma, and Texas, restricted to the transportation of shipments which originate at the plantsite and facilities of Hill Chemicals, Inc., located at or near Borger, Tex., and are destined to points in the named destination States, (2) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co., located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska, restricted to the transportation of shipments which originate at the facilities of Mid-America Pipeline Co., located at or near Conway, Kans., and are destined to points in the named destination States, (3) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming, restricted to the transportation of shipments which originate at the facilities of Mid-America Pipeline Co., located at or near Greenwood, Nebr., and are destined to points in the named destination States, (4) from the terminals located on the ammonia pipeline of Mid-America Pipeline Co., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to the transportation of shipments which originate at the facilities of Mid-America Pipeline Co., located at or near Whiting, Early, and Garner, Iowa, and are destined to points in the named destination States. NOTE: Applicant states that no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 59680 (Sub-No. 166), filed November 4, 1968. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, Tex. 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned or bottled, other than frozen, from the plantsite of Princeville Canning Co., at or near Belledeau, La., to points in Illinois, Indiana, Kentucky, Michigan, Mississippi, Ohio, Tennessee, and Wisconsin*. NOTE: Applicant states it intends to tack with its present authority at points in Ohio to serve points in Pennsylvania, New Jersey, New York, Connecticut, and Massachusetts. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 65802 (Sub-No. 41), filed October 31, 1968. Applicant: LYNDEN TRANSFER, INC., Box 433, Lynden, Wash. 98264. Applicant's representative:

J. Stewart Black, 1322 Laburnum Street, Vancouver 9, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (excluding household goods and commodities of unusual value), between the port of entry on the international boundary line between the United States and Canada, located at the southern terminus of the Alaska State Ferry System, on the one hand, and, on the other, points in Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle or Bellingham, Wash.

No. MC 69116 (Sub-No. 119), filed October 30, 1968. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85, and (2) *materials, equipment, and supplies*, used in the manufacture and processing of iron and steel articles, from points in the United States on and east of U.S. Highway 85, to the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and further restricted against the transportation of commodities in bulk. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83539 (Sub-No. 237), filed October 31, 1968. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials and supplies, and quartermaster supplies* (except household goods and commodities in bulk), between military installations or Defence Department establishments in the United States (except Hawaii, Maine, New Hampshire, and Vermont). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 100666 (Sub-No. 125), filed October 31, 1968. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, wire, gates, nails, posts, and livestock feeders*, (1) from Greenville, Miss., and Crawfordsville, Ind., to points in Missouri, Kentucky, Tennessee,

Alabama, Arkansas, Louisiana, Texas, and Oklahoma; (2) from Greenville, Miss., to points in Indiana; and, (3) from Crawfordsville, Ind., to points in Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 100666 (Sub-No. 126), filed October 30, 1968. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85 and (2) *materials, equipment, and supplies*, used in the manufacture and processing of iron and steel articles, from points in the United States on and east of U.S. Highway 85, to the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and restricted against the transportation of commodities in bulk. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 107012 (Sub-No. 86), filed October 28, 1968. Applicant: NORTH AMERICAN VAN LINES INC. (DEL. CORP.), Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Camden, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Smith or Little Rock, Ark., or Washington, D.C.

No. MC 107403 (Sub-No. 762), filed November 1, 1968. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar pitch emulsion*, in bulk, in tank vehicles, from Wooster and Smithville, Ohio, to points in Illinois, Indiana, Michigan, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 107496 (Sub-No. 688), filed November 4, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from St. Joseph, Mo., to points in Iowa, Kansas, Nebraska,

Colorado, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Des Moines, Iowa.

No. MC 108068 (Sub-No. 69) (Clarification), filed October 22, 1968, published in the FEDERAL REGISTER issue of November 14, 1968, and republished as clarified, this issue. Applicant: U.S.A.C. TRANSPORT, INC., Mail: Post Office Box G, Business Route 144, Joplin, Mo. 64801. Applicant's representatives: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla., and Charles O. Gillogly, 1117 North 19th Street, Arlington, Va. 22209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except new passenger automobiles, commodities moving in tank vehicles, and household goods as defined by the Commission, between points in Utah, Oklahoma, Texas, Kansas, California, Pennsylvania, Georgia, New York, Tennessee, Florida, Virginia, South Dakota, Montana, Colorado, Alabama, and Illinois, on the one hand, and, on the other, ports of entry on the Pacific Coast and the United States-Canadian boundary line, restricted to foreign commerce or traffic moving to and from Alaska or Hawaii. NOTE: Applicant states that the authority under its lead Docket MC 108068 and portions of existing authority will be tacked at points in common States Virginia, New York, Illinois, Pennsylvania, and Texas. Applicant's presently held MC 108068 (Sub-No. 23) authorizes general commodities (except new passenger automobiles, commodities moving in tank vehicles), and classes A and B explosives, between the same identified States with a restriction limiting service to Alaska. The instant application seeks to clarify the foregoing restriction without increasing the Continental States and involves a request for a clarified authority between the same identical States. Applicant's MC 108068 (Sub-No. 23) also is duplicative and will be surrendered simultaneously upon grant of this application. Portions of other of applicant's present authority may be duplicative. Any grant may be conditioned to confer but a single operating authority. The purpose of this republication is to clarify the ports of entry to be serviced. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 108380 (Sub-No. 75) (Amendment), filed October 21, 1968, published, FEDERAL REGISTER issue of November 7, 1968, and republished as amended this issue. Applicant: JOHNSTON'S FUEL LINERS, INC., 808 Birch Street, Post Office Box 100, Newcastle, Wyo. 82701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Carter and Powder River Counties, Mont., to points in Nebraska, South

Dakota, and Wyoming. NOTE: The purpose of this republication is to show that Carter County, Mont., has been added as an origin point. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Cheyenne, Wyo.

No. MC 111545 (Sub-No. 113), filed October 26, 1968. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *iron and steel articles*, from the plantsites, shipping points and warehouses of Continental Steel Corp., located in Howard County, Ind., to points in the Continental United States on and east of U.S. Highway 85; and *materials, equipment, and supplies*, used in the manufacture and processing of iron and steel articles, from the above-named destinations to the plantsites, shipping points, and warehouses of Continental Steel Corp., located in Howard County, Ind., restricted to the transportation of traffic originating at or destined to the named origins and destinations, also restricted against the transportation of commodities in bulk. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 115180 (Sub-No. 48), filed November 4, 1968. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration; (2) *advertising materials, supplies, display materials, and premiums*, when moving at the same time and in the same vehicle with commodities specified above; and (3) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b) (6) of the Interstate Commerce Act if transported in vehicles at the same time with (1) and (2) above, from points in Illinois and Iowa, to points in Ohio, Pennsylvania, New Jersey, New York, Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it commence at Chicago, Ill., and terminate at New York, N.Y.

No. MC 116101 (Sub-No. 5), filed November 4, 1968. Applicant: QUICK AIR FREIGHT, INC., Cargo Building, Port Columbus Airport, Columbus, Ohio. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery parts*, from the plantsite of the Jeffrey Manufacturing Co., Columbus, Ohio, to points in Kentucky and West Virginia; and (2) *damaged and worn machinery parts*, on return. Re-

striction: The operations proposed herein will be restricted to the exclusive use of one motor vehicle, and restricted against the transportation of commodities which by reason of their size or weight require special equipment to transport, load, and/or unload. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116254 (Sub-No. 86), filed October 3, 1968. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Birmingham, Ala., and points within 10 miles thereof, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas (except points in Harris County, Tex.), and Wisconsin. Restrictions: Restricted against the transportation of (1) formaldehyde to Tyler, Tex., and points within 10 miles thereof; (2) paint, paint materials, resins, and products and blends thereof to Garland, Tex.; (3) muriatic acid to South Carolina and Tennessee (except Kingsport); (4) caustic soda to North Carolina, South Carolina, and points in that part of Tennessee on and east of U.S. Highway 27; (5) liquid hydrogen, liquid oxygen, and liquid nitrogen, when moving to missile storage or launching sites, missile test facilities, or manufacturing plants producing liquid hydrogen, liquid oxygen, or liquid nitrogen destined to points in Iowa, Kansas, and Wisconsin. NOTE: Applicant states that the purpose of the instant application is for the elimination of gateways. Applicant further states that it does not seek duplicating authority and is willing for any authority granted herein to contain the usual restriction that such authority shall not confer upon carrier more than one operating right. Applicant proposes to tack at Luka, Miss., Sheffield, Ala., and Barfield, Ark., and points within 10 miles thereof, in connection with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Birmingham, Ala.

No. MC 118130 (Sub-No. 60), filed September 27, 1968. Applicant: BEN HAMRICK, INC., 740 North Houston, Fort Worth, Tex. 76115. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, from Chetopa, Kans.; Baron, Sallisaw, and Coalgate, Okla.; Lehigh, N. Dak., and points within 5 miles thereof, to points in the United States (except Alaska, Hawaii, and New York). NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Oklahoma City, Okla., or New Orleans, La.

No. MC 119630 (Sub-No. 7), filed November 4, 1968. Applicant: VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. Applicant's representa-

tive: Wulburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard and materials, supplies and accessories incidental to the installation thereof*, from Pittsburg, Kans., to points in Arkansas, Illinois, Iowa, Indiana, Kentucky, Michigan, Minnesota, Ohio, Tennessee, and Wisconsin. NOTE: Applicant holds contract carrier authority under MC 115036, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119726 (Sub-No. 18), filed November 5, 1968. Applicant: N.A.B. TRUCKING CO., INC., 1007 East 27th Street, Indianapolis, Ind. 46205. Applicant's representative: James L. Beatty, 130 East Washington Street No. 1021; Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85; and (2) *materials, equipment, and supplies*, used in the manufacture and processing of iron and steel articles, from points in the United States on and east of U.S. Highway 85, to the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind. Restriction: Restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and restricted against the transportation of commodities in bulk. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119767 (Sub-No. 215), filed October 21, 1968. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities manufactured and/or distributed by Armour-Dial, Inc.*, from the plantsite and warehouse facilities of Armour Dial, Inc., located in Aurora Township, Kane County, Ill., to St. Louis, Mo., and points in the St. Louis, Mo., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 216), filed November 4, 1968. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay*, in packages, from Paris, Tenn., to points in Michigan, Ohio, Indiana, Kentucky, Illinois, Missouri, Iowa, Nebraska, Minnesota, North Dakota, South Dakota, and Kansas; and, (2) *Frozen foods*, from Marshall, Macon, Moberly, and Carrollton, Mo., to points in

the Upper Peninsula of Michigan, points in Wisconsin, Minnesota, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 123407 (Sub-No. 42), filed November 1, 1968. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehah Avenue, Minneapolis, Minn. 55404. Applicant's representative: Robert W. Sawyer, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85; and (2) *materials, equipment, and supplies*, used in the manufacture and processing of iron and steel articles, from points in the United States on and east of U.S. Highway 85, to the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind. Restriction: Restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and restricted against the transportation of commodities in bulk. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 123812 (Sub-No. 3), filed October 30, 1968. Applicant: SULLIVAN FREIGHT LINES, INC., U.S. 11 Bypass, Post Office Box 276, Athens, Tenn. 37303. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements, accessories, and parts*, between Athens, Tenn., and points in the United States (except Alabama, Alaska, Arkansas, Florida, Georgia, Hawaii, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Knoxville, or Nashville, Tenn.

No. MC 128095 (Sub-No. 3) (Correction), filed October 11, 1968, published in the FEDERAL REGISTER issue of October 31, 1968, and republished as corrected, this issue. Applicant: PARKER TRUCK LINE, INC., Westmoreland Drive, Box 1402, Tupelo, Miss. 38801. Applicant's representative: Donald B. Morrison, 829 Deposit Guaranty National Bank Building, Post Office Box 961, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products*, from Cornelius, N.C., to New Albany, Shannon, and Tupelo, Miss. NOTE: The purpose of this republication is to reflect Shannon, Miss., as a destination point which was erroneously shown as Channon in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 129307 (Sub-No. 9), filed October 31, 1968. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: William C. Harris (same

address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and such commodities as are used in the manufacturing, sale and distribution of frozen foods*, except commodities in bulk and those which because of size or weight require special equipment between Traverse City, Mich., on the one hand, and, on the other, points in the United States, except Alaska and Hawaii. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Certificate No. MC 119394, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 133260, filed October 21, 1968. Applicant: WALTER SELLENT, Rural Free Delivery No. 1, Almena, Wis. 54805. Applicant's representative: John P. Santerre, Box 163, Barron, Wis. 54812. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feed*, in bulk and bags or containers, from points in Ramsey, Hennipen, Washington, Dakota, and Scott Counties, Minn., to the village of Almena, town of Almena and town of Clinton in Barron County, Wis., under contract with Almena Cooperative Association. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133262 (Sub-No. 1), filed October 31, 1968. Applicant: CURTIS HENKES, 510 East Iowa Street, Monona, Iowa 52159. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, stone and asphalt mix*, in dump vehicles, from Prairie du Chien, Wis., to points in Allamakee, Clayton, Fayette, and Winneshiek Counties, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133268, filed October 30, 1968. Applicant: LEE'S CONTRACT CARRIER CORP., 3240 West 16th Street, Hialeah, Fla. Applicant's representative: John P. Bond, 30 Giralda Avenue, Coral Gables, Fla. 33143. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Wholesale electrical supplies*, from Philadelphia, Carnegie, Delmont, Monaca, and Jeanette, Pa.; Bellevue and Monroe, Ohio; Mount Vernon and New York, N.Y.; Salem and Star City, W. Va.; and Plano, Tex., to points in Dade County, Fla., under contract with Deco Sales & Associates, Inc. (b) *commercial store fixtures*, from points in Dade and Hillsborough Counties, Fla., to points in those States lying east of the Mississippi River and Louisiana and Texas; under contract with S & L Fixtures, Inc.; and (c) *poly styrene, poly vinyl chloride, vinyl plastic and/or poly styrene plastics*, (1) from points in Dade County, Fla., to New Orleans, La.; Atlanta and Macon, Ga.; Joliet and Chicago Heights, Ill.; Lancaster, Pa.; Vailsgate, N.J.; and Houston, Tex.;

and (2) from Chicago, Ill.; Delaware City, Del.; Springfield, Mass.; Cartersville, Ga.; Houston, Tex.; Piscataway, N.J.; and Pace, Fla., to points in Dade County, Fla.; under contract with Industrial Vinyls, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami or Fort Lauderdale, Fla.

No. MC 133271, filed October 31, 1968. Applicant: C. J. WEAVER, JR., 4521 Hampshire Road, Tampa, Fla. 33614. Applicant's representative: Charles W. Loe, Jr., 801 East Kennedy Boulevard, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green, salted cowhides*, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Miami, or Jacksonville, Fla.

No. MC 133272 filed November 1, 1968. Applicant: WHALING CITY TRUCKING, INCORPORATED, 567 Colman Street, New London, Conn. 06320. Applicant's representative: John E. Fay, 79 Lafayette Street, Hartford, Conn. 06106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to shipments having an immediately prior or subsequent line-haul movement beyond said points by rail, motor, water, or air as required under section 207 of the Interstate Commerce Act in accordance with the Kingpak Decision, from New London and Bridgeport, Conn., to points in Connecticut and Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

MOTOR CARRIER OF PASSENGERS

No. MC 119860 (Sub-No. 3) filed October 31, 1968. Applicant: CAPITAL COACH LINES CO., LTD., 1425 Ogilvie Road, Ottawa 7, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in round-trip charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada in Michigan and east thereof, and extending to Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West

Virginia, Wisconsin, and Wyoming. Note: If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 936 (Sub-No. 39), filed October 30, 1968. Applicant: VALLEY MOTOR LINES, INC., 1220 West Washington Boulevard, Montebello, Calif. 90640. Applicant's representative: William B. Adams, 624 Pacific Building, Portland, Ore. 97204. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except commodities in bulk, those requiring special equipment and household goods as defined by the Commission), to serve points within a 5-mile radius of Halsey, Ore., in connection with applicant's otherwise authorized regular route operations. NOTE: Common control may be involved.

No. MC 68618 (Sub-No. 34), filed October 30, 1968. Applicant: LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., 3200 Sixth Avenue South, Seattle, Wash. 98134. Applicant's representative: William B. Adams, 624 Pacific Building, Portland, Ore. 97204. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except commodities in bulk, those requiring special equipment, and household goods as defined by the Commission), to serve points within a 5-mile radius of Halsey, Ore., in connection with applicant's otherwise authorized regular route operations. NOTE: Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13941; Filed, Nov. 20, 1968; 8:45 a.m.]

[Notice 249]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 15, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70871. By order of November 7, 1968, the Transfer Board approved

the transfer to J. M. Rogers Truck Lines, Inc., Greenville, S.C., of certificate in No. MC-110185 (Sub-No. 1), issued April 14, 1965, to J. M. Rogers, doing business as J. M. Rogers Truck Line, Greenville, S.C., authorizing over irregular routes, the transportation of: Concrete beams, slabs, panels, and structural components, from Greenville, S.C., to points in Georgia and North Carolina; concrete blocks, from Greenville, S.C., to points in Cherokee, Graham, Jackson, Henderson, Transylvania, Haywood, Swain, Buncombe, Clay, and Macon Counties, N.C.; vermiculite, from Travelers Rest, S.C., and points within 2 miles thereof, to points in North Carolina, Georgia, Tennessee, Virginia, and West Virginia; agricultural commodities and livestock, from points in Abbeville, Anderson, Greenville, Oconee, and Pickens Counties, S.C., to points in Elbert, Richmond, and Chatham Counties, Ga.; cottonseed meal, peanut meal, soybean meal, cottonseed hulls, bagging and ties, animal and poultry feeds, fertilizer, and fertilizer materials, from the immediately above-designated destination points to the immediately above-specified origin points; and brick, from points in Elbert, Chatham, and Richmond Counties, Ga., except Augusta and its commercial zone, to points in Abbeville, Anderson, Greenville, Oconee, and Pickens Counties, S.C. Henry P. Wilimon, Post Office Box 1075, Greenville, S.C. 29602, attorney for applicants.

No. MC-FC-70899. By order of November 14, 1968, the Transfer Board approved the transfer to Anaheim Truck & Transfer Co., a corporation, Anaheim, Calif., of the operating rights authorized in certificate No. MC-4983 and those evidenced by the certificate of registration in No. MC-4983 (Sub-No. 5) issued March 7, 1949, and June 12, 1964, respectively, to Charles A. Pearson, doing business as Anaheim Truck & Transfer Co., Anaheim, Calif., authorizing the transportation of machinery and pipe, fertilizer and insecticides, Christmas trees, alcohol and alcohol products, box shoo, nails, citrus fruit, and various other commodities of a general commodities nature from, to, and between points as specified in the State of California. Kendall R. Bishop, 611 West Sixth Street, Los Angeles, Calif. 90017, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13994; Filed, Nov. 20, 1968; 8:47 a.m.]

[Notice 249A]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 18, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Com-

merce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70753. By order of November 14, 1968, Division 3, acting as an Appellate Division approved the transfer to John A. Ferraro, Bethlehem, Pa., of License in No. MC-12493, issued December 15, 1967, to Morris Hill Travel, Inc., Easton, Pa., authorizing service as a broker of passengers, in round-trip tours, beginning and ending at points in Northampton County, Pa., and Warren County, N.J., and extending to points in 48 States and the District of Columbia. W. C. Mitchell, Esq., 140 Cedar Street, New York, N.Y. 10006, representing applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13995; Filed, Nov. 20, 1968; 8:47 a.m.]

[No. 17000]

IRON AND STEEL ARTICLES

Rate Structure Investigation

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

It appearing, that in the original report and order in this proceeding 155 ICC 517, the Commission required or authorized the carriers designated therein to establish and thereafter to maintain and observe until the further order of the Commission, the rates prescribed in said order, and that said order as subsequently modified is still outstanding;

And it further appearing, that since the date of said report and order, changes have occurred in the general and economic conditions of the various areas covered therein, and in the transportation conditions affecting the traffic handled under or subject to said rates which may obviate the necessity for the maintenance of the outstanding orders; and that observance of said orders may tend to burden, complicate, or needlessly prolong the processes of compiling affected tariff schedules, accomplishing necessary revisions, and in the republication of them from time to time; therefore:

NOTICES

It is ordered, That the parties to this proceeding be, and they are hereby, cited to show cause, if any, by formal return (original and 3 copies) filed with the Commission on or before December 30, 1968, stating specifically the grounds relied upon, why said order should not be vacated and set aside.

And it is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 6th day of November 1968.

By the Commission, Commissioner Walrath.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13996; Filed, Nov. 20, 1968;
8:47 a.m.]

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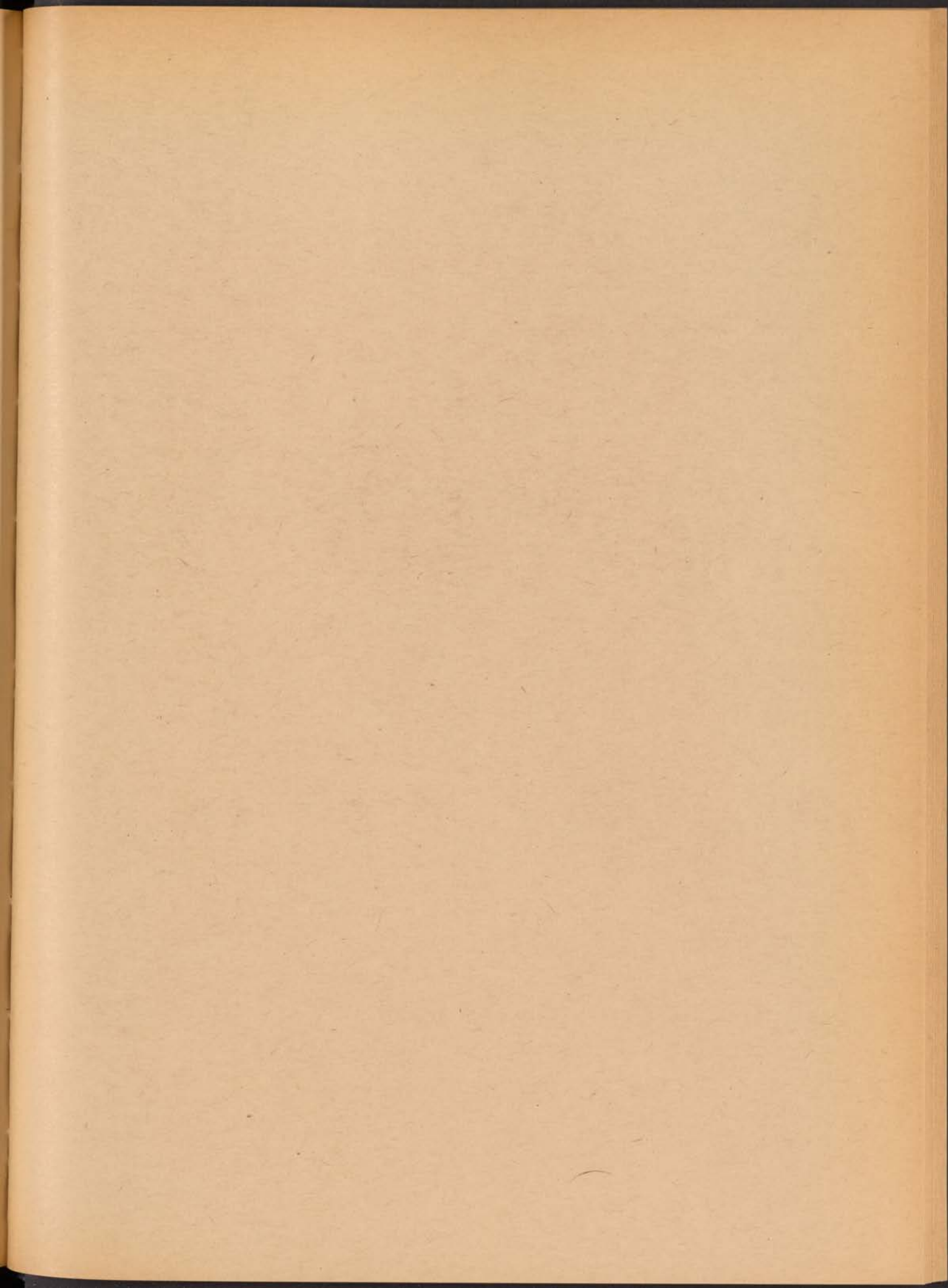
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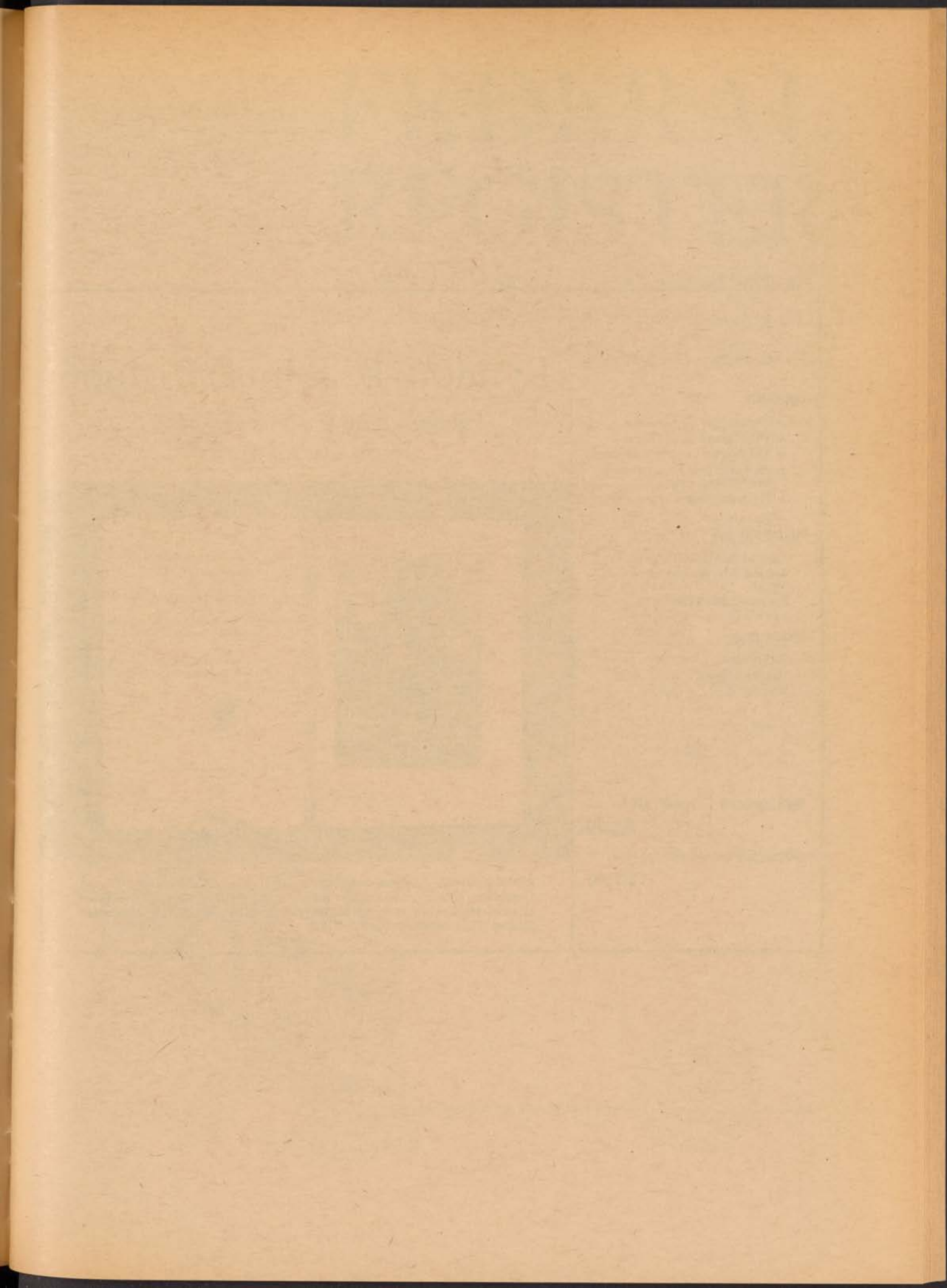
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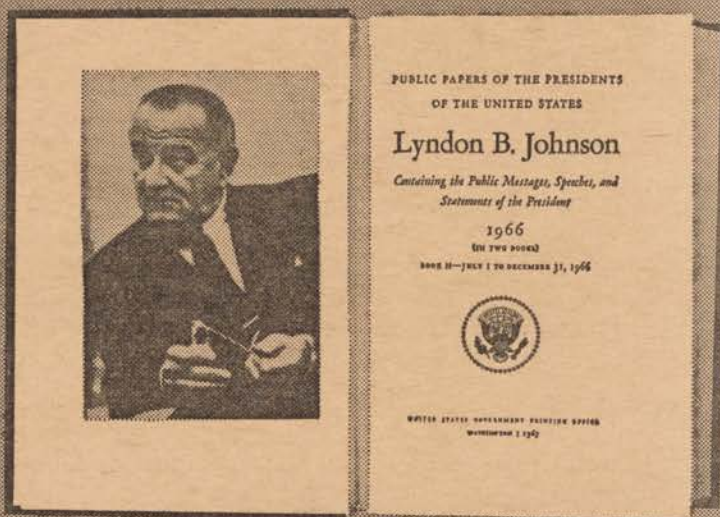
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